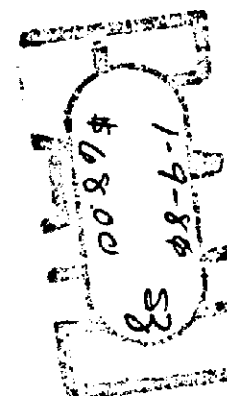


MAP 1/2
E.D. 9
DATE 1-23-87
200
1000
DP

86-270-X
#158



86-270-X
#158

Whiz Car Wash Corp.
NE/COR of Loch Raven Blvd. & White Oak Ave.
Baltimore, MD 21204

ORDER RECEIVED FOR FILING
DATE 1-23-87
BY [Signature]

IN RE: PETITION SPECIAL EXCEPTION *
NE/COR of Loch Raven *
Boulevard and White Oak *
Avenue -9th Election District *
Whiz Car Wash Corporation, *
Petitioner *
BEFORE THE *
ZONING COMMISSIONER *
OF BALTIMORE COUNTY *
Case No. 86-270-X

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception for a service garage, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by the Contract Lessee, The Pit Stop, Inc., by Ronald A. Witman, President, appeared and testified and was represented by Counsel. Testifying on behalf of the Petitioner was Paul Lee, a registered engineer. Numerous Protestants appeared and were represented by Counsel. See Protestants' Exhibit 1.

Testimony indicated that the subject property, zoned B.L. and located on the corner of Loch Raven Boulevard and White Oak Avenue, is presently improved with an abandoned service station. The Lessee proposes to restore the two-bay service station building and parking areas and create a drive-thru oil change facility for vehicles to provide "10 minute" oil changes. Vehicles would drive in, have their oil changed, and exit. The total time for one vehicle to be serviced, including paperwork and payment, would be approximately 20 minutes. Based on the Lessee's experience at its three locations in Baltimore City, the expected average weekly business generated would be 30 to 35 vehicles with a maximum of 40 vehicles. The oil change would be the only service provided.

The site would permit the stacking of up to ten vehicles in addition to the five vehicles permitted to be parked; however, Mr. Witman testified that,

based on his experience, no more than four vehicles would ever be stacked outside the bays at any one time. As he explained, the service provided is self-limiting, i.e., people will not wait any length of time for this type of service.

Mr. Lee testified that, in his opinion, the conditions precedent as delineated in Section 502.1, Baltimore County Zoning Regulations (BCZR), would be met. He also pointed out that many of the uses permitted as a matter of right in a B.L. Zone, such as a convenience store, would generate more vehicles per day than the proposed use.

William Johnson, owner of the Johnson Funeral Home located across White Oak Avenue to the south, testified in opposition and voiced the concerns of those Protestants who appeared. In particular, they are concerned that the horrendous traffic conditions that already exist will be worsened and that the horrible situation with the adjoining car wash to the north, which is owned by the Petitioner herein, will be exacerbated. Additionally, Anita Dowling, an owner of a real estate company adjoining the instant site to the east, testified that, in her expert opinion, the proposed use would cause property values to decrease.

The latter point is somewhat diluted when one measures the proposed service garage described herein with a service station which has been abandoned for a long time.

The Petitioner seeks relief from Section 230.13, pursuant to Section 502.1, BCZR.

There is no question that the traffic pattern of this area is heightened by its close proximity to Joppa Road and the strip retail uses located on Loch Raven Boulevard. However, it is obvious that the only way to obviate the

- 2 -

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for USE AS A SERVICE GARAGE AS DEFINED AND INTERPRETED IN THE ZONING LAW AND ZONING REGULATIONS.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and so to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Lessee: The Pit Stop, Inc. (Type or Print Name)
By: [Signature] Marc Witman, Vice President
120 Cockeysville Road
Hunt Valley, Maryland 21030
City and State

Legal Owner(s): Whiz Car Wash Corp. (Type or Print Name)
By: [Signature] Ronald A. Witman, President
120 Cockeysville Road
Hunt Valley, Maryland 21030
City and State

Attorney for Petitioner: R. Bruce Alderman (Type or Print Name)
[Signature]
29 West Susquehanna Avenue
Towson, Maryland 21204
City and State
Attorney's Telephone No.: 301-828-1050

Name, address and phone number of legal owner, contract purchaser or representative to be contacted: Ronald W. Witman
120 Cockeysville Road
Hunt Valley, Md. 21030 428-4900
Address Phone No.

ORDERED BY The Zoning Commissioner of Baltimore County, this 26th day of November, 1985, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 10th day of January, 1986, at 11:00 o'clock A.M.

[Signature] Bell Jahn
Zoning Commissioner of Baltimore County.

ORDER RECEIVED FOR FILING
DATE 1-23-87
BY [Signature]

ORDER RECEIVED FOR FILING
DATE 1-23-87
BY [Signature]

[Signature]
Zoning Commissioner of Baltimore County

- 4 -

problems which concern the Protestants is to prevent the use of this site for anything and to eliminate all other commercial uses. The proposed use is one which will not make things worse.

It is clear that the BCZR permits the use requested by the Petitioner in a B.L. Zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as delineated in Section 502.1 are satisfied by the Petitioner.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions, as more fully described below.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the BCZR.

- 3 -

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: December 12, 1985
Norman E. Gerber, AICP, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petition No. 86-270-X

This office is not opposed to the granting of the subject request provided the site plan is revised to conform to the revisions proposed by the Department of Traffic Engineering's representative to the Zoning Plans Advisory Committee (see comment and sketch dated November 18, 1985).

[Signature]
Norman E. Gerber, AICP
Director

NEG:JGH:slm

Case No. 86-270-X

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
26th day of November, 1985.

ARNOLD JABLON
Zoning Commissioner

Petitioner: Whiz Car Wash Corp.
Petitioner's Attorney: R. Bruce Alderman, Esquire

Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee



Maryland Department of Transportation
State Highway Administration

William K. Holmann
Secretary
Hal Kassoff
Administrator

January 7, 1986

Mr. A. Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Baltimore County
ZAC Meeting of 11/5/85
Item #158
Property Owner: Whiz Car
Wash Corp.
Location: N/E corner
Loch Raven Blvd.
Route 542, and White Oak
Road
Existing Zoning: B.L.
Proposed Zoning: Spec. Exc.
for use as a service
garage as defined and
interpreted in the Zoning
Law and Zoning
Regulations
Acres: .296
District: 9th

Dear Mr. Jablon:

On review of the revised submittal of 12/30/85, for
Special Exception, the State Highway Administration finds the
plan generally acceptable.

All entrance reconstruction within the S.H.A. Right-
of-Way for Loch Raven Blvd. must be through S.H.A. Permit
with the posting of a bond or Letter of Credit to guarantee
construction.

Very truly yours,

Charles Lee, Chief
Bureau of Engr. Access Permits
by: George Wittman

CL-GW:es

cc: J. Ogle

My telephone number is 301-659-1350
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-92-5062 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

Paul Lee P.E.

Paul Lee Engineering Inc.
304 W. Pennsylvania Ave.
Towson, Maryland 21204
301-821-5341

December 30, 1985

Mr. George Wittman
State Highway Administration
Room 609 - 6th Floor
707 N. Calvert Street
P. O. Box 717
Baltimore, Maryland 21203

Re: Whiz Car Wash Corp.
NE corner Loch Raven Blvd. & White Oak
Item #158

Dear George:

Please find enclosed herewith 2 prints of the revised Site Plan for
the Special Exception being requested for the above mentioned site.

Please note that we have indicated a proposed barrier (concrete curb)
adjoining the car wash property. These revised plans are being
submitted to Baltimore County.

I trust this revised plan meets with your comment.

If there are any questions, please do not hesitate to call.

Sincerely yours,

Paul Lee
Paul Lee

Plt1
Enclosures
cc: Mr. Douglas Swan - Planning & Zoning
Mr. Ronald W. Witman

Engineers - Surveyors - Site Planners

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 24, 1985

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Chairman

R. Bruce Alderman, Esquire
29 West Susquehanna Avenue
Towson, Maryland 21204

MEMBERS

Bureau of
Engineering
Department of
Traffic Engineering
State Roads Commission
Bureau of
Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial
Development

FF: Item No. 158 - Case No. 86-270-X
Petitioner - Whiz Car Wash Corp.
Special Exception Petition

Dear Mr. Alderman:

Enclosed please find additional comments submitted after
my original comments of December 11, 1985.

Very truly yours,

James E. Dyer
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:isc

Enclosures

cc: Mr. Ronald W. Witman
120 Cockeysville Road
Punt Valley, Maryland 21030

Paul Lee Engineering, Inc.
304 West Pennsylvania Avenue
Towson, Maryland 21204



STEPHEN E. COLLINS
DIRECTOR

November 18, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. -ZAC-
Property Owner: Whiz Car Wash Corp.
Location: N/E corner Loch Raven Blvd and White Oak Road
Existing Zoning: B.L.
Proposed Zoning: Special Exception for use as a service garage
as defined and interpreted in the Zoning Law and
Zoning Regulations

Acres: .296
District: 9th

Dear Mr. Jablon:

This Department has reviewed the submitted site plans and has the following
comments:

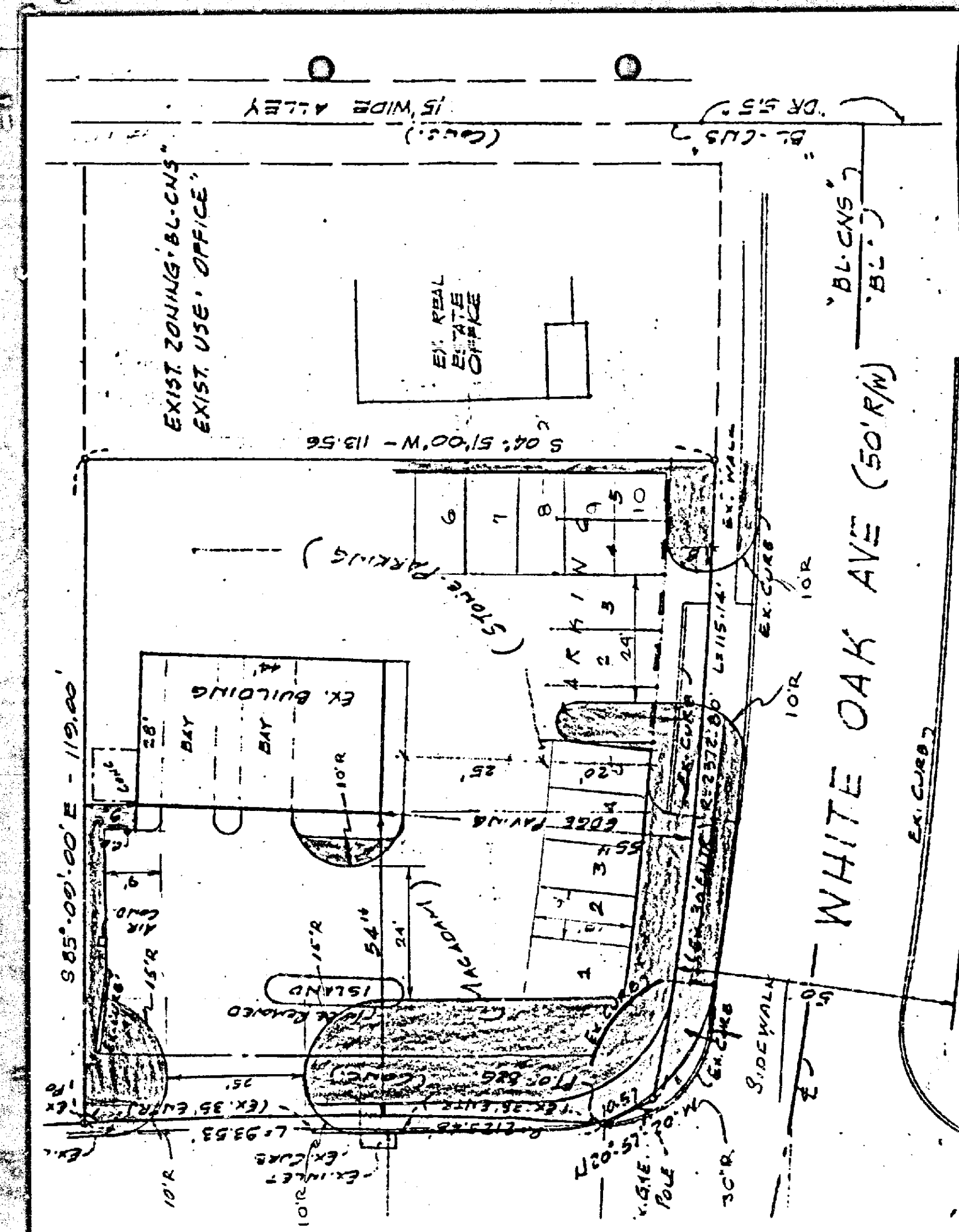
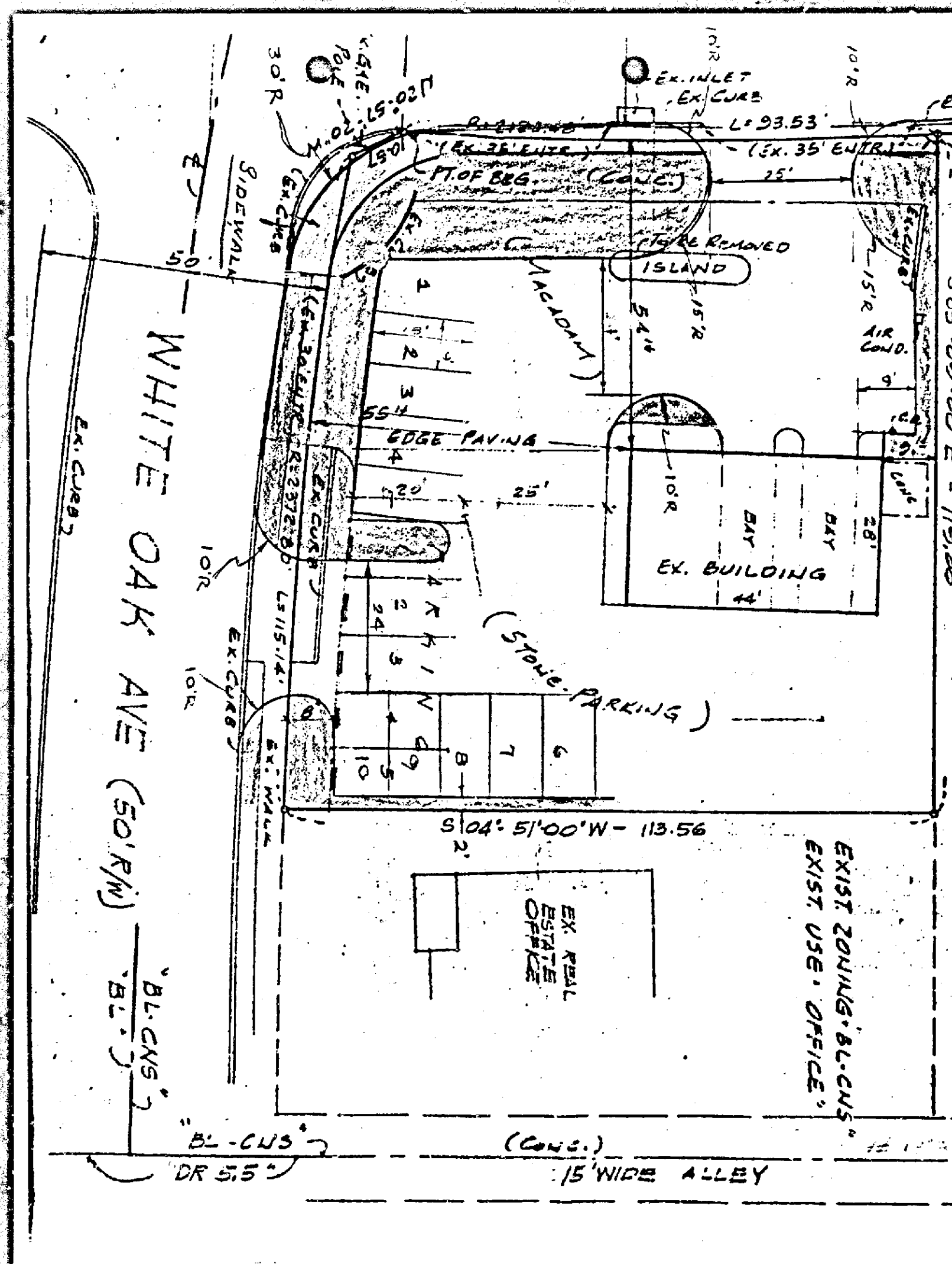
1. The two entrances closest to the intersection of White Oak Avenue and
Loch Raven Blvd. should be closed and the access should be moved away from the
intersection, radius should be provided from the intersection the entrances.

2. More parking should be provided.

A sketch is attached.

Michael S. Flanigan
Traffic Engineer Associate II

MSF/bld



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 11, 1985

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Chairman

R. Bruce Alderman, Esquire
29 West Susquehanna Avenue
Towson, Maryland 21204

MEMBERS

Bureau of
Engineering
Department of
Traffic Engineering
State Roads Commission
Bureau of
Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial
Development

RE: Item No. 158 - Case No. 86-270-X
Petitioner - Whiz Car Wash Corp.
Special Exception Petition

Dear Mr. Alderman:

The Zoning Plans Advisory Committee has reviewed the plans sub-
mitted with the above-referenced petition. The following comments
are not intended to indicate the appropriateness of the zoning action
requested, but to assure that all parties are made aware of plans or
problems with regard to the development plans that may have a bearing
on this case. The Director of Planning may file a written report with
the Zoning Commissioner with recommendations as to the suitability of
the requested zoning.

Enclosed are all comments submitted from the members of the
Committee at this time that offer or request information on your
petition. If similar comments from the remaining members are received,
I will forward them to you. Otherwise, any comment that is not infor-
mation will be placed in the hearing file. This petition was accepted
for filing on the date of the enclosed filing certificate and a hearing
scheduled accordingly.

Very truly yours,

James E. Dyer
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:mr

Enclosures

cc: Mr. Ronald W. Witman
120 Cockeysville Road
Hunt Valley, Maryland 21030

Paul Lee Engineering, Inc.
304 West Pennsylvania Avenue
Towson, Maryland 21204

APR 20 1987



Maryland Department of Transportation
State Highway Administration

William K. Hollmann
Secretary
Hal Karsell
Assistant Secretary

November 8, 1985

Mr. A. Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: ZAC Meeting of 11-5-85
ITEM: #158
Property Owner: Whiz Car Wash Corp.
Location: N/E Corner Loch Raven Blvd.
Route 542, & White Oak Road
Existing Zoning: R-1
Proposed Zoning: Special Exception
for use as a service garage as
defined and interpreted in the
Zoning Law and Zoning Regulations
Acreage: .296 Acres
District: 9th Election District

Attn: Mr. James Dyer

Dear Mr. Jablon:

On review of the submittal of 10-16-85 and field inspection, the State Highway Administration will require the site plan to be revised.

The revised plan must show the construction of a permanent barrier along the north property line of the proposed service garage (see attachment).

On the day of inspection, field conditions revealed an ingress through movement from Loch Raven Blvd. (Route 542) to the existing Car Wash site.

This movement will create a hazardous condition if allowed to continue with approval of the service garage.

The proposed permanent barrier may consist of concrete curb or fence or suitable permanent construction.

We request the site plan be revised prior to a hearing date being set.

Very truly yours,

Charles E. Chief
Bureau of Engineering
Access Permits

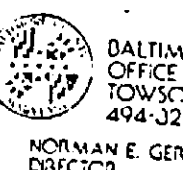
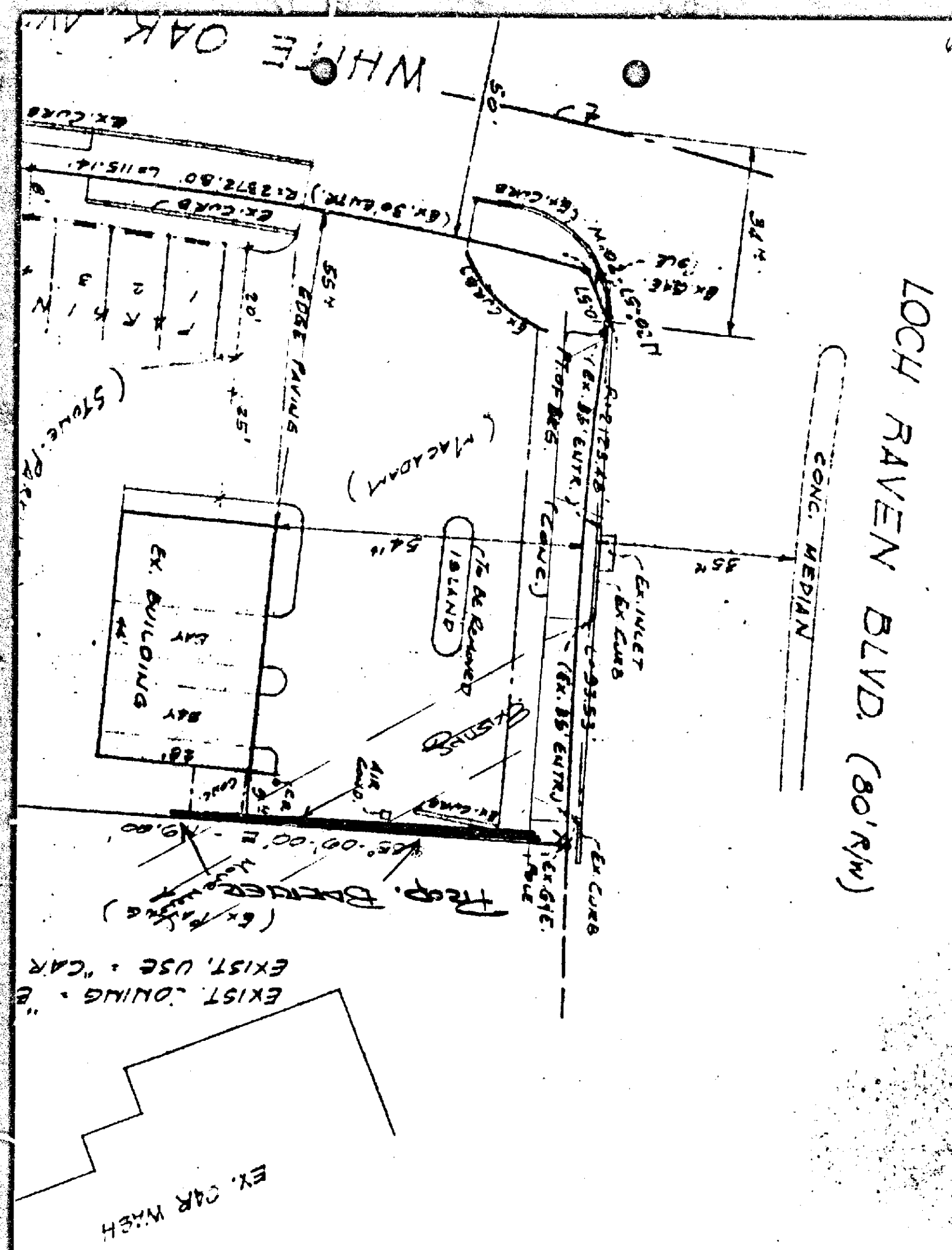
By: George Wittman

(201) 659-1350

Telephone for Impaired Hearing or Speech
303-7555 Baltimore Metro - 555-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

CL:GW:maw

cc: Mr. J. Ogle



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-4500
NORMAN E. GERSON
DIRECTOR

DECEMBER 5, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Zoning Advisory Meeting of NOVEMBER 5, 1985
Item #158
Property Owner: WHIZ CAR WASH CORP.
Location: N/E CORNER LOCH RAVEN BLVD.
& WHITE OAK RD.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- () There are no site planning factors requiring comment.
- () A County Review Group meeting is required.
- () This site is part of a larger tract therefore it is defined as a subdivision. The plan must show the entire tract.
- () A record plat will be required and must be recorded prior to issuance of a building permit.
- () The access to a building permit.
- () The circulation on this site is not satisfactory.
- () The parking arrangement is not satisfactory.
- () Parking calculations must be shown on the plan.
- () This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- () Construction in or alteration of the floodplain is prohibited under the provisions of section 22-30 of the Development Regulations.
- () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- () The amended Development Plan was approved by the Planning Board on 11/18/85.
- () The property is located in a deficient service area as defined by Bill 118-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued.
- () The property is located in a traffic area controlled by a "T" level intersection as defined by Bill 118-79, and as conditions change the re-evaluation may become more limited. The Traffic Services Areas are re-evaluated annually by the County Council.
- () Additional comments:

cc: James Hosenell

Eugene A. Sobor
Chief, Current Planning and Development

Zoning Item # 158, Zoning Advisory Committee Meeting of Nov. 6, 1985
Page 2

- () Prior to raising of existing structure/s, petitioner must contact the Division of Water Quality and Waste Management at 374-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Water Quality and Waste Management at 374-3768.
- () Soil percolation tests (have been/must be) conducted.
() The results are valid until _____
() Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well test shall be valid until _____
() is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydro-geological Study and an Environmental Effects Report must be submitted.
- () Others _____

San V. Pappas, Director
BUREAU OF ENVIRONMENTAL SERVICES

CS 20 1283 (2) R



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500
PAUL H. REINCKE
CHIEF

November 21, 1985

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Whiz Car Wash Corp.

Location: N/E corner Loch Raven Blvd. and White Oak Road

Item No.: 158

Zoning Agenda: Meeting of November 5, 1985

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John F. O'Neill* Noted and Approved: *John F. O'Neill*
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610
TED ZALESKI, JR.
DIRECTOR

December 6, 1985

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 158 Zoning Advisory Committee Meeting are as follows:

Property Owner: Whiz Car Wash Corporation
Location: N/E Corner Loch Raven Blvd. and White Oak Road
District: 9th.

APPLICABLE ITEMS ARE CHECKED:

- () All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.B.C. #17-7 - 1980) and other applicable Codes and Standards.
- () A building and other miscellaneous permits shall be required before the start of any construction.
- () Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is not required on plans and technical data.
- () Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.
- () All the Groups except 2-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. But the Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 101, Section 1071, Section 1101 and Table 1102. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
- () The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 401 and 505 and have your Architect/Engineer contact this department.
- () The requested variance appears to conflict with Section (a) _____ of the Baltimore County Building Code.

NOTE:

- () When filing for a required change of use/occupancy permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of the Groups are from the _____ to the _____ or to Mixed Use. See Section 312 of the Building Code.

NOTE:

- () The proposed project appears to be located in a Flood Plain, Flood/Evermore. Please see the attached copy of Section 514.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the 1st and the finished basement.
- () Comments: Upgrade existing structure to proposed new use requirements. Comply with the State Handicapped Code, comply with Section 609.2.5, 609.3, 609.4. Tanks shall be removed under a separate permit and approved by Fire Department.

Three abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 112 of the County Office Building at 111 N. Chesapeake Avenue, Towson, Maryland 21204.

12/15/85

Paul Leo P.E.

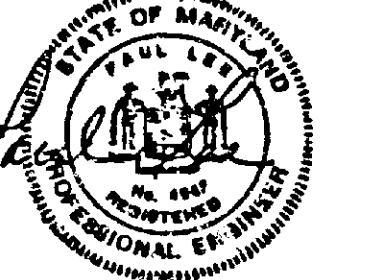
Paul Leo Engineering Inc.
301 W. Pennsylvania St.
Towson, Maryland 21204
301-821-5341
DESCRIPTION

0.296 ACRE PARCEL - N.E. CORNER LOCH RAVEN BOULEVARD

AND WHITE OAK AVENUE

9th ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point, said point being located on the east side of Loch Raven Boulevard 3/4 feet more or less from the center of White Oak Avenue; running thence on the east side of Loch Raven Boulevard (1) by a curve to the left R=2123.48 feet, L= 93.53 feet, chord = N 05°00'36" E - 93.51 feet, thence leaving said east side of Loch Raven Boulevard; (2) S 85°09'00" E - 119.00 feet, and (3) S 04°51'00" W - 113.56 feet to the north side of White Oak Avenue; thence binding on the north side of White Oak Avenue (4) by a curve to the right R=2372.80 feet, L=115.14 feet, chord= N 79°54'29" W - 115.12 feet, and (5) N 20°51'20" W - 10.57 feet to the point of beginning.



Engineers - Surveyors - Site Planners

PETITION FOR SPECIAL EXCEPTION
9th Election District

LOCATION: Northeast corner of Loch Raven Boulevard and White Oak Avenue

DATE AND TIME: Friday, January 10, 1986 at 11:00 a.m.

PUBLIC HEARING: Room 301, County Office Building
111 West Chesapeake Avenue, Towson, MD 21204

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception to use the property for a service garage as defined and interpreted in the Zoning Law and Zoning Regulations.

Being the property of Whiz Car Wash Corporation
as shown on the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
NE Corner Loch Raven Blvd. &
White Oak Ave., 9th District : OF BALTIMORE COUNTY
WHIZ CAR WASH CORPORATION, : Case No. 86-270-X
Petitioner

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 16th day of December, 1985, a copy of the foregoing Entry of Appearance was mailed to R. Bruce Alderman, Esquire, 29 W. Susquehanna Ave., Towson, MD 21204, Attorney for Petitioner; and Marc Witman, Vice-President, The Pit Stop, Inc., 120 Cockeysville Rd., Hunt Valley, MD 21030, Contract Lessee.

Peter Max Zimmerman
Peter Max Zimmerman



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3333

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

January 2, 1986

R. Bruce Alderman, Esquire
29 West Susquehanna Avenue
Towson, Maryland 21204

Re: Petition for Special Exception
NE/Corner of Loch Raven Boulevard and
White Oak Avenue - 9th Election District
Whiz Car Wash Corp. - Petitioner
Case No. 86-270-X

Dear Mr. Alderman:

This is to advise you that \$68.00 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON IT BE ISSUED.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

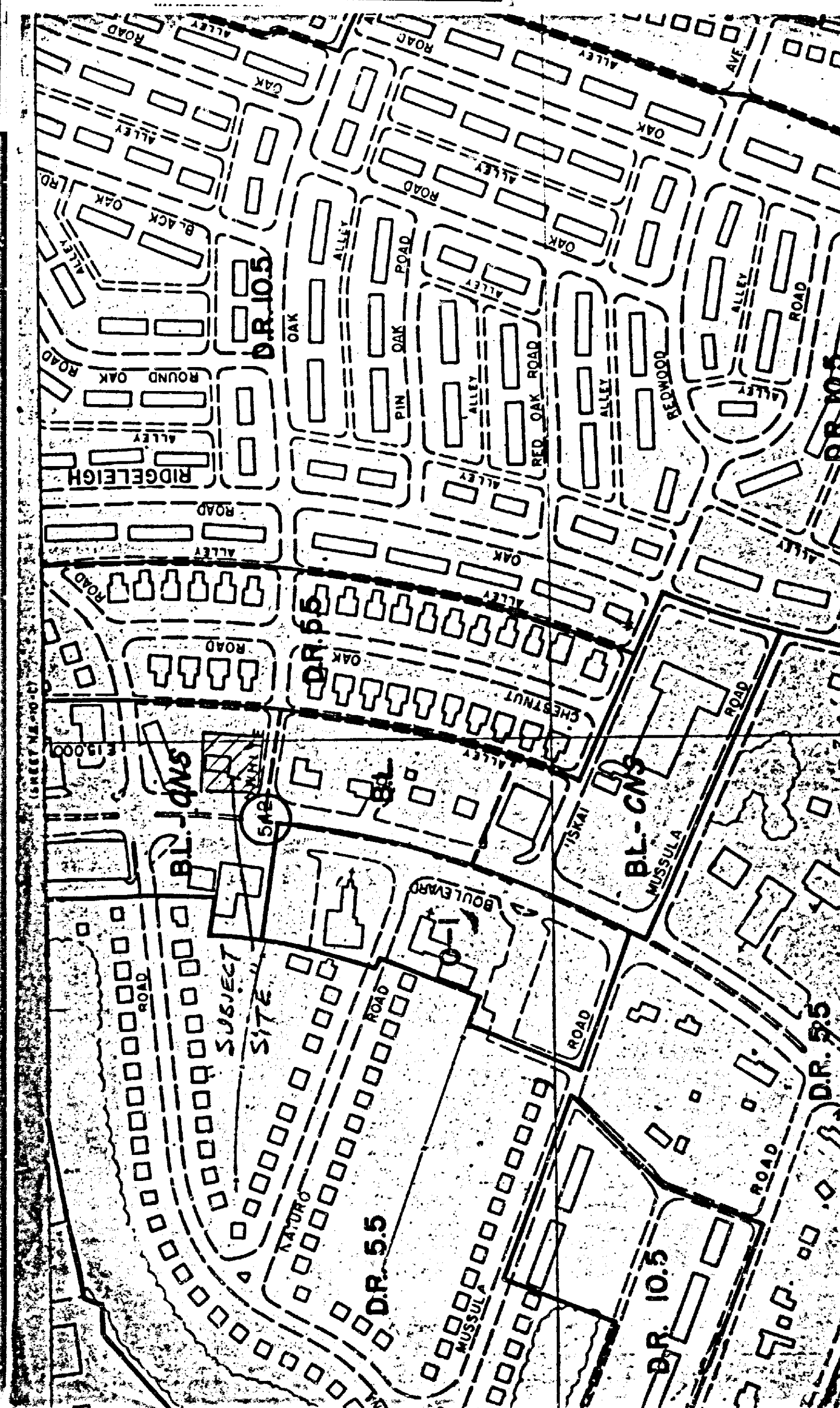
No. 013472

DATE 1-4-86 ACCOUNT 201-615-000 Towson County, Maryland, and remit to the County, Maryland, and remit to the County, Maryland

AMOUNT \$ 68.00

RECEIVED FROM R. Bruce Alderman Esq.

FOR Advertising Posting 86-270-X



CERTIFICATE OF PUBLICATION

TOWSON, MD., December 19, 1985

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on December 19, 1985

THE JEFFERSONIAN,

W. Ventak

Publisher

Cost of Advertising
24.75

CERTIFICATE OF PUBLICATION

TOWSON, MD., December 18, 1985.

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on December 18, 1985.

TOWSON TIMES,

W. Ventak

Publisher

38.25

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 9th Date of Posting 12/13/85

Posted for: Special Exception

Petitioner: Whiz Car Wash Corp.

Location of property: NE/Corner, Loch Raven Blvd. & White Oak Rd.

Location of Sign: Four signs, Intersection of Loch Raven & White Oak, Names: 12' x 24' x 24' on property of Petitioner

Remarks:

Posted by: W. Ventak

Date of return: 12/20/85

Number of Signs: 4

R. Bruce Alderman, Esquire
29 West Susquehanna Avenue
Towson, Maryland 21204

December 6, 1985

NOTICE OF HEARING

PETITION FOR SPECIAL EXCEPTION
NE/Corner of Loch Raven Boulevard and
White Oak Avenue - 9th Elec. District
Whiz Car Wash Corp. - Petitioner
Case No. 86-270-X

TIME: 11:00 a.m.

DATE: Friday, January 10, 1986

PLACE: Room 301, County Office Building, 111 W. Chesapeake Ave.,
Towson, Maryland 21204

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 012787

Commissioner
Baltimore County

DATE 12-24-85 ACCOUNT 12-21-615-000

AMOUNT \$ 107.00

RECEIVED FROM Whiz Car Wash Corp.

FOR Posting 86-270-X

0043*****1000022 2243F

VALIDATION OR SIGNATURE OF CARRIER

Postcards
E.L. Kaiser Koch co. inc. } 8515 Loch Raven Blvd
D.E. Williams

Archie Ross Capital Inc } 8509 Loch Raven
Charles F. Lopez

Cdc Holding Corp } 8509, 8511, 8513
Charles F. Lopez } 8515 Loch Raven
Handwritten

JEAN DIETRICH
MUTUAL OF NEW YORK 8517 LOCH RAVEN RD.

William R. Johnson
Johnson Yacht Sales
8521 Loch Raven Blvd.

Anthony S. Campagna
Tommy's Corner
8663 Loch Raven Blvd 21204

Richard S. Cyle
1600 W. 7th Ave 21234
Insurance Investigator

M. Anita D. Dwyer
1600 White Oak Ave 21234
Real Estate Plus
8508 Chestnut Oak Rd. 21234
Property Owner

Post 41

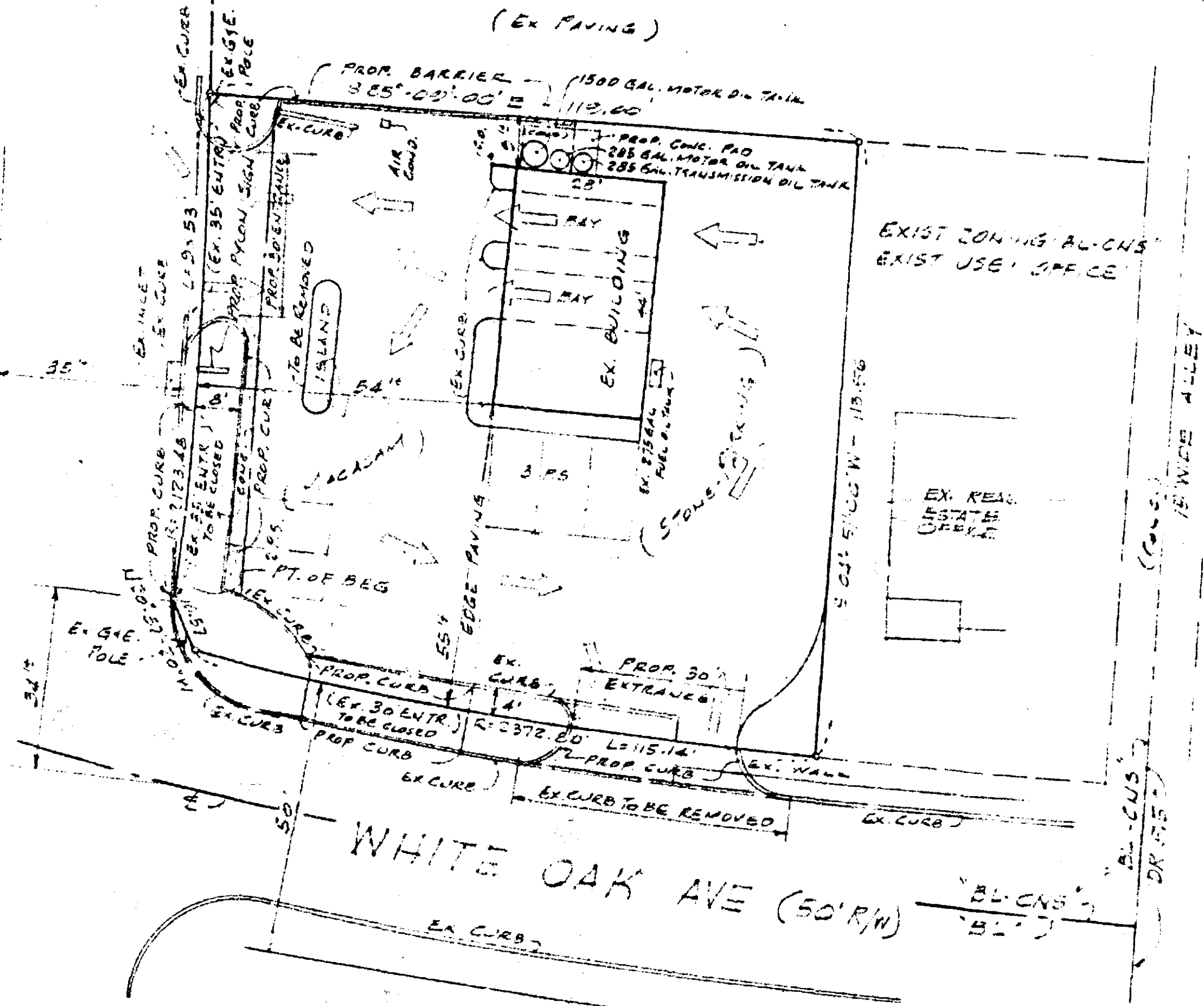
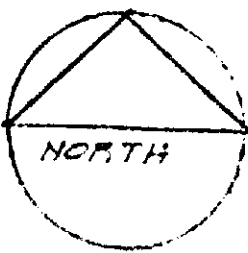
EXIST. ZONING - "BL-CNS"
EXIST. USE - "RETAIL STORES"

LOCH RAVEN BLVD. (80' R/W)

CONC. MEDIAN

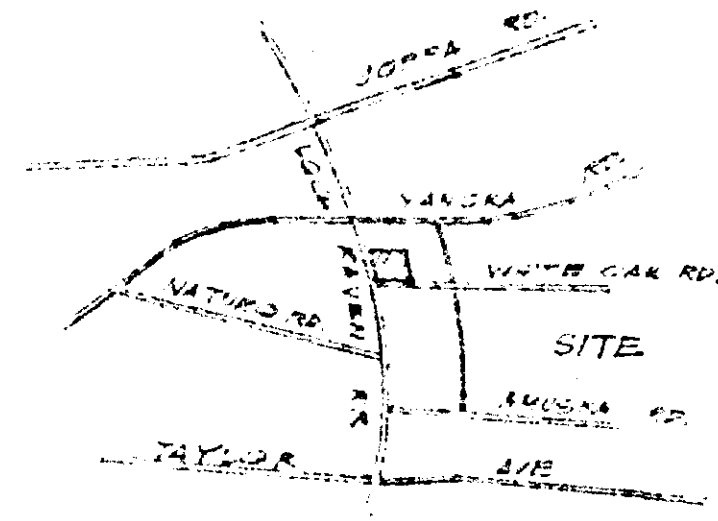
EX. CAR WASH

EXIST. ZONING - "BL-CNS"
EXIST. USE - "CAR WASH"
(EX. PAVING)



WHITE OAK AVE (50' R/W)

EXIST. ZONING - "B-L"
EXIST. USE - "FUNERAL HOME"



VICINITY MAP
NOT TO SCALE

GENERAL NOTES

1. AREA OF SITE = 0.236 AC.
2. EXISTING ZONING OF SITE - BL-CNS
3. EXISTING USE - VACANT GAS STATION
4. PROPOSED ZONING OF SITE - BL-CNS w/ SPECIAL EXCEPTION
5. PROPOSED USE - SERVICE GARAGE
6. REQ'D. PARKING:
1232 SF / 300 + 2.1 = 5.75
7. PROPOSED PARKING SHOWN - 5-2 BAYS - 7.75
8. PETITIONER REQUESTING SPECIAL EXCEPTION TO PERMIT A SERVICE GARAGE IN A BL-CNS ZONE
9. EXISTING UTILITIES AVAILABLE TO SITE.
10. PROP. PYLON SIGN TO BE IN ACCORDANCE WITH BALTIMORE COUNTY ZONING REGULATIONS

PLAT TO ACCOMPANY PETITION
FOR
SPECIAL EXCEPTION

0.236 ACRE PARCEL

(N.E. COR. LOCH RAVEN BLVD. & WHITE OAK AVE.)

9TH ELECTION DISTRICT BALTO. CO. MD.

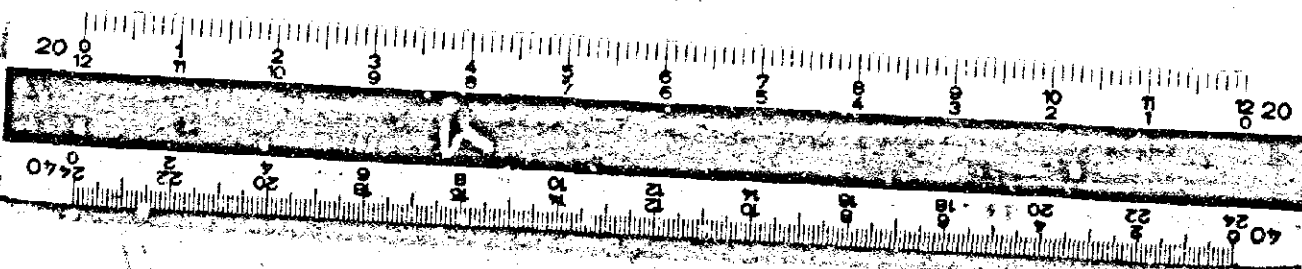
SCALE: 1"=20'

DEC. 18, 1985
REV. DEC. 30, 1985 SHR. COMMENTS
REV. JAN. 7, 1986 ADDED STORAGE TANKS

PAUL LEE ENGINEERING, INC.
304 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

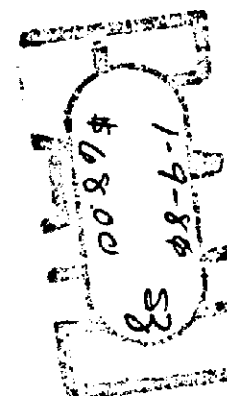


PROPOSED SIGN
NO SCALE



MAP 1/2
E.D. 9
DATE 1-23-87
200
1000
DP

86-270-X
#158



86-270-X
#158

Whiz Car Wash Corp.
NE/COR of Loch Raven
Avenue
Hunt Valley, Md. 21030
86-270-X
#158

ORDER RECEIVED FOR FILING
DATE 1-23-87
BY [Signature]

IN RE: PETITION SPECIAL EXCEPTION *
NE/COR of Loch Raven *
Boulevard and White Oak *
Avenue -9th Election District *
Whiz Car Wash Corporation, *
Petitioner *
BEFORE THE *
ZONING COMMISSIONER *
OF BALTIMORE COUNTY *
Case No. 86-270-X

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception for a service garage, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by the Contract Lessee, The Pit Stop, Inc., by Ronald A. Witman, President, appeared and testified and was represented by Counsel. Testifying on behalf of the Petitioner was Paul Lee, a registered engineer. Numerous Protestants appeared and were represented by Counsel. See Protestants' Exhibit 1.

Testimony indicated that the subject property, zoned B.L. and located on the corner of Loch Raven Boulevard and White Oak Avenue, is presently improved with an abandoned service station. The Lessee proposes to restore the two-bay service station building and parking areas and create a drive-thru oil change facility for vehicles to provide "10 minute" oil changes. Vehicles would drive in, have their oil changed, and exit. The total time for one vehicle to be serviced, including paperwork and payment, would be approximately 20 minutes. Based on the Lessee's experience at its three locations in Baltimore City, the expected average weekly business generated would be 30 to 35 vehicles with a maximum of 40 vehicles. The oil change would be the only service provided.

The site would permit the stacking of up to ten vehicles in addition to the five vehicles permitted to be parked; however, Mr. Witman testified that,

based on his experience, no more than four vehicles would ever be stacked outside the bays at any one time. As he explained, the service provided is self-limiting, i.e., people will not wait any length of time for this type of service.

Mr. Lee testified that, in his opinion, the conditions precedent as delineated in Section 502.1, Baltimore County Zoning Regulations (BCZR), would be met. He also pointed out that many of the uses permitted as a matter of right in a B.L. Zone, such as a convenience store, would generate more vehicles per day than the proposed use.

William Johnson, owner of the Johnson Funeral Home located across White Oak Avenue to the south, testified in opposition and voiced the concerns of those Protestants who appeared. In particular, they are concerned that the horrendous traffic conditions that already exist will be worsened and that the horrible situation with the adjoining car wash to the north, which is owned by the Petitioner herein, will be exacerbated. Additionally, Anita Dowling, an owner of a real estate company adjoining the instant site to the east, testified that, in her expert opinion, the proposed use would cause property values to decrease.

The latter point is somewhat diluted when one measures the proposed service garage described herein with a service station which has been abandoned for a long time.

The Petitioner seeks relief from Section 230.13, pursuant to Section 502.1, BCZR.

There is no question that the traffic pattern of this area is heightened by its close proximity to Joppa Road and the strip retail uses located on Loch Raven Boulevard. However, it is obvious that the only way to obviate the

- 2 -

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for USE AS A SERVICE GARAGE AS DEFINED AND INTERPRETED IN THE ZONING LAW AND ZONING REGULATIONS.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and so to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Lessee: The Pit Stop, Inc. (Type or Print Name)
By: [Signature] Marc Witman, Vice President
120 Cockeysville Road
Hunt Valley, Maryland 21030
City and State

Legal Owner(s): Whiz Car Wash Corp. (Type or Print Name)
By: [Signature] Ronald A. Witman, President
120 Cockeysville Road
Hunt Valley, Md. 21030
City and State

Attorney for Petitioner: R. Bruce Alderman (Type or Print Name)
[Signature]
29 West Susquehanna Avenue
Towson, Maryland 21204
City and State
Attorney's Telephone No.: 301-828-1050

Name, address and phone number of legal owner, contract purchaser or representative to be contacted: Ronald W. Witman
120 Cockeysville Road
Hunt Valley, Md. 21030
City and State
Phone No. 410-628-4900

ORDERED BY The Zoning Commissioner of Baltimore County, this 26th day of November, 1985, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 10th day of January, 1986, at 11:00 o'clock A.M.

[Signature] Bell Jahn
Zoning Commissioner of Baltimore County.

ORDER RECEIVED FOR FILING
DATE 1-23-87
BY [Signature]

ORDER RECEIVED FOR FILING
DATE 1-23-87
BY [Signature]

Pursuant to the advertisement, posting of property, and public hearing held, and it appearing that by reason of the requirements of Section 502.1 having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 22nd day of January, 1986, that the Petition for Special Exception for a service garage be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief granted herein.

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. All underground gasoline tanks shall be filled or removed pursuant to the applicable Fire Department regulations.
3. No barrels of any kind shall be permitted on the site.
4. No board fencing shall be permitted.
5. A landscaping plan shall be submitted to the Current Planning and Development Division, Office of Planning and Zoning, for approval.
6. No damaged or disabled vehicles shall be stored on the site.
7. No vehicles shall be permitted to be stored overnight on the site unless kept in the bays.
8. No vehicle parts shall be stored outside of the building.

[Signature]
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
DATE 1-23-87
BY [Signature]

problems which concern the Protestants is to prevent the use of this site for anything and to eliminate all other commercial uses. The proposed use is one which will not make things worse.

It is clear that the BCZR permits the use requested by the Petitioner in a B.L. Zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as delineated in Section 502.1 are satisfied by the Petitioner.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions, as more fully described below.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the BCZR.

- 3 -

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: December 12, 1985
Norman E. Gerber, AICP, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petition No. 86-270-X

This office is not opposed to the granting of the subject request provided the site plan is revised to conform to the revisions proposed by the Department of Traffic Engineering's representative to the Zoning Plans Advisory Committee (see comment and sketch dated November 18, 1985).

[Signature]
Norman E. Gerber, AICP
Director

NEG:JGH:slm

Case No. 86-270-X

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
26th day of November, 1985.

ARNOLD JABLON
Zoning Commissioner

Petitioner: Whiz Car Wash Corp.
Petitioner's Attorney: R. Bruce Alderman, Esquire

Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee



Maryland Department of Transportation
State Highway Administration

William K. Holmann
Secretary
Hal Kozloff
Administrator

January 7, 1986

Mr. A. Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Baltimore County
ZAC Meeting of 11/5/85
Item #158
Property Owner: Whiz Car
Wash Corp.
Location: N/E corner
Loch Raven Blvd.
Route 542, and White Oak
Road
Existing Zoning: B.L.
Proposed Zoning: Spec. Exc.
for use as a service
garage as defined and
interpreted in the Zoning
Law and Zoning
Regulations
Acre: .296
District: 9th

Dear Mr. Jablon:

On review of the revised submittal of 12/30/85, for
Special Exception, the State Highway Administration finds the
plan generally acceptable.

All entrance reconstruction within the S.H.A. Right-
of-Way for Loch Raven Blvd. must be through S.H.A. Permit
with the posting of a bond or Letter of Credit to guarantee
construction.

Very truly yours,

Charles Lee, Chief
Bureau of Engr. Access Permits
by: George Wittman

CL-GW:es

cc: J. Ogle

My telephone number is 301-658-1350
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-92-5062 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

Paul Lee, P.E.

Paul Lee Engineering Inc.
304 W. Pennsylvania Ave.
Towson, Maryland 21204
301-821-5341

December 30, 1985

Mr. George Wittman
State Highway Administration
Room 609 - 6th Floor
707 N. Calvert Street
P. O. Box 717
Baltimore, Maryland 21203

Re: Whiz Car Wash Corp.
NE corner Loch Raven Blvd. & White Oak
Item #158

Dear George:

Please find enclosed herewith 2 prints of the revised Site Plan for
the Special Exception being requested for the above mentioned site.

Please note that we have indicated a proposed barrier (concrete curb)
adjoining the car wash property. These revised plans are being
submitted to Baltimore County.

I trust this revised plan meets with your comment.

If there are any questions, please do not hesitate to call.

Sincerely yours,

Paul Lee
Paul Lee

PL:tl

Enclosures
cc: Mr. Douglas Swan - Planning & Zoning
Mr. Ronald W. Witman

Engineers - Surveyors - Site Planners

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 24, 1985

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

000

Chairman

R. Bruce Alderman, Esquire
29 West Susquehanna Avenue
Towson, Maryland 21204

MEMBERS

Bureau of Engineering

Department of Traffic Engineering

State Roads Commission

Bureau of Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Zoning Administration

Industrial Development

FF: Item No. 158 - Case No. 86-270-X
Petitioner - Whiz Car Wash Corp.
Special Exception Petition

Dear Mr. Alderman:

Enclosed please find additional comments submitted after
my original comments of December 11, 1985.

Very truly yours,

James E. Dyer
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:sc

Enclosures

cc: Mr. Ronald W. Witman
120 Cockeysville Road
Punt Valley, Maryland 21030

Paul Lee Engineering, Inc.
304 West Pennsylvania Avenue
Towson, Maryland 21204



BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

November 18, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. -ZAC-
Property Owner: Whiz Car Wash Corp.
Location: N/E corner Loch Raven Blvd and White Oak Road
Existing Zoning: B.L.
Proposed Zoning: Special Exception for use as a service garage
as defined and interpreted in the Zoning Law and
Zoning Regulations

Acre: .296
District: 9th

Dear Mr. Jablon:

This Department has reviewed the submitted site plans and has the following
comments:

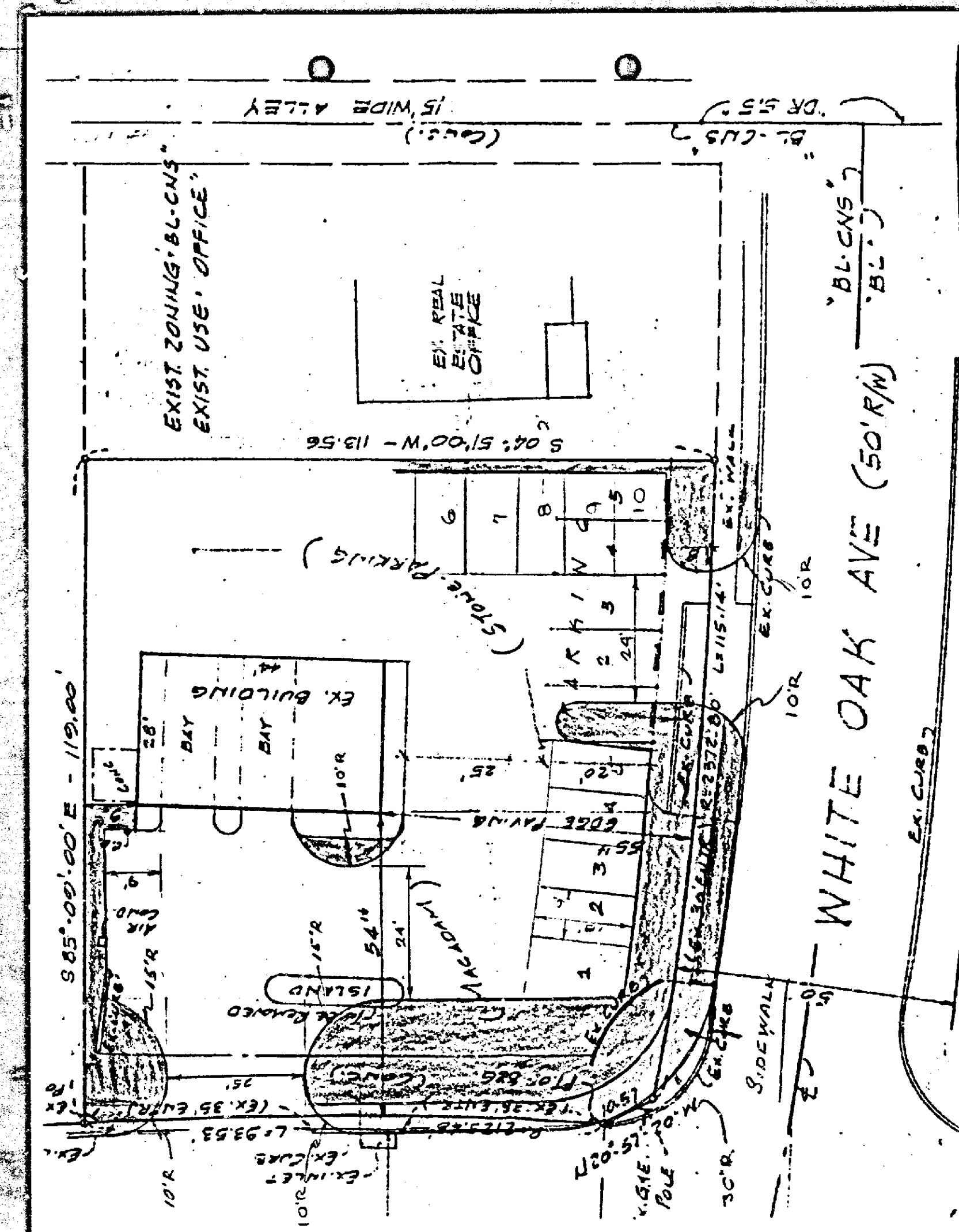
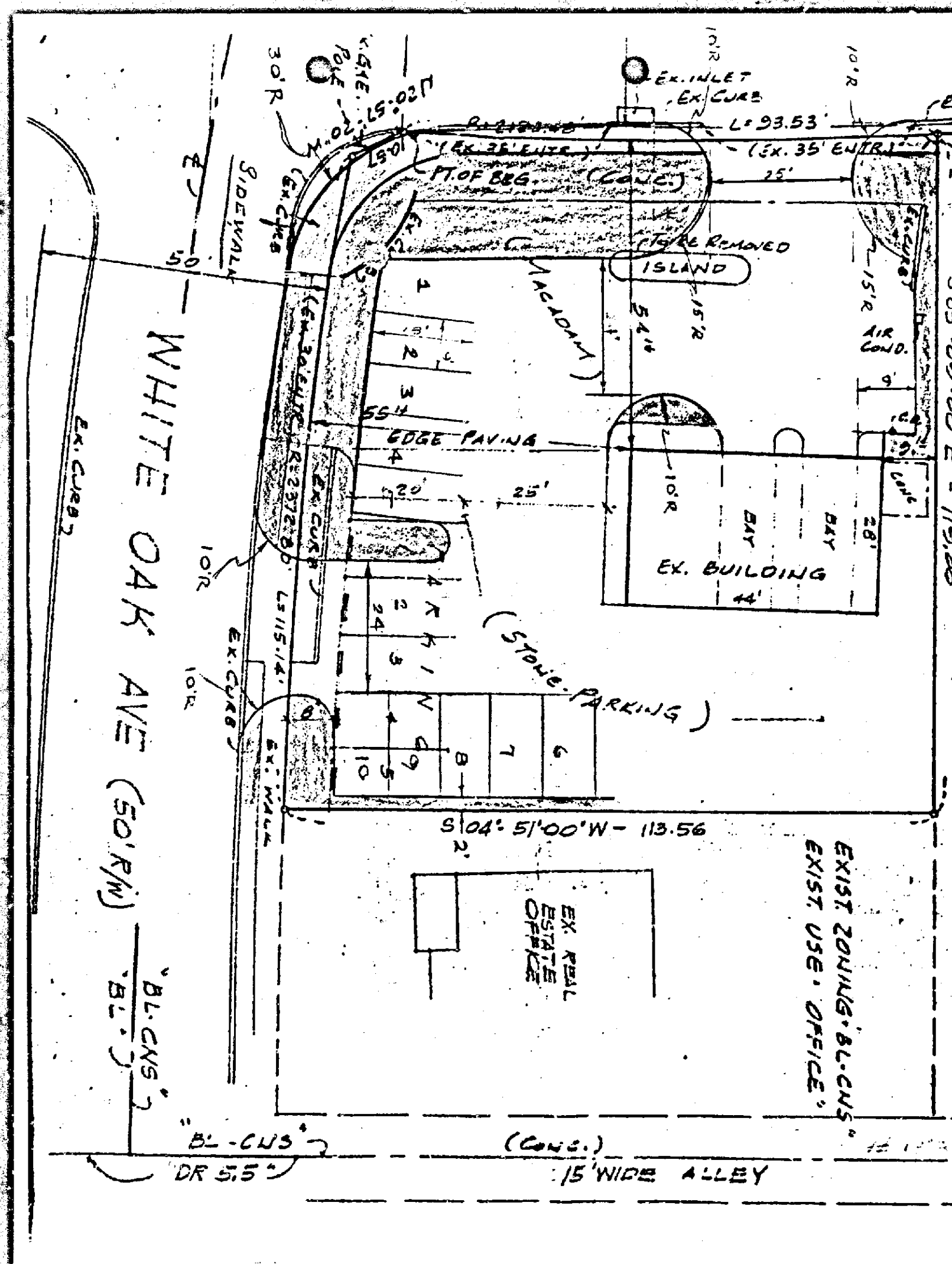
1. The two entrances closest to the intersection of White Oak Avenue and
Loch Raven Blvd. should be closed and the access should be moved away from the
intersection, radius should be provided from the intersection the entrances.

2. More parking should be provided.

A sketch is attached.

Michael S. Flanigan
Traffic Engineer Associate II

MSF/bld



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 11, 1985

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

000

MEMBERS

Bureau of Engineering

Department of Traffic Engineering

State Roads Commission

Bureau of Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Zoning Administration

Industrial Development

R. Bruce Alderman, Esquire
29 West Susquehanna Avenue
Towson, Maryland 21204

RE: Item No. 158 - Case No. 86-270-X
Petitioner - Whiz Car Wash Corp.
Special Exception Petition

Dear Mr. Alderman:

The Zoning Plans Advisory Committee has reviewed the plans sub-
mitted with the above-referenced petition. The following comments
are not intended to indicate the appropriateness of the zoning action
requested, but to assure that all parties are made aware of plans or
problems with regard to the development plans that may have a bearing
on this case. The Director of Planning may file a written report with
the Zoning Commissioner with recommendations as to the suitability of
the requested zoning.

Enclosed are all comments submitted from the members of the
Committee at this time that offer or request information on your
petition. If similar comments from the remaining members are received,
I will forward them to you. Otherwise, any comment that is not infor-
mation will be placed in the hearing file. This petition was accepted
for filing on the date of the enclosed filing certificate and a hearing
scheduled accordingly.

Very truly yours,

James E. Dyer
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:sc

Enclosures

cc: Mr. Ronald W. Witman
120 Cockeysville Road
Hunt Valley, Maryland 21030

Paul Lee Engineering, Inc.
304 West Pennsylvania Avenue
Towson, Maryland 21204

APR 20 1987



Maryland Department of Transportation
State Highway Administration

William K. Hollmann
Secretary
Hal Karsell
Administrator

November 8, 1985

Mr. A. Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Attn: Mr. James Dyer

Re: ZAC Meeting of 11-5-85
ITEM: #158
Property Owner: Whiz Car Wash Corp.
Location: N/E Corner Loch Raven Blvd.
Route 542, & White Oak Road
Existing Zoning: R-1
Proposed Zoning: Special Exception
for use as a service garage as
defined and interpreted in the
Zoning Law and Zoning Regulations
Acreage: .296 Acres
District: 9th Election District

Dear Mr. Jablon:

On review of the submittal of 10-16-85 and field inspection, the State Highway Administration will require the site plan to be revised.

The revised plan must show the construction of a permanent barrier along the north property line of the proposed service garage (see attachment).

On the day of inspection, field conditions revealed an ingress through movement from Loch Raven Blvd. (Route 542) to the existing Car Wash site.

This movement will create a hazardous condition if allowed to continue with approval of the service garage.

The proposed permanent barrier may consist of concrete curb or fence or suitable permanent construction.

We request the site plan be revised prior to a hearing date being set.

Very truly yours,

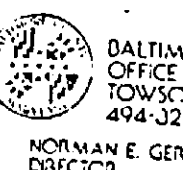
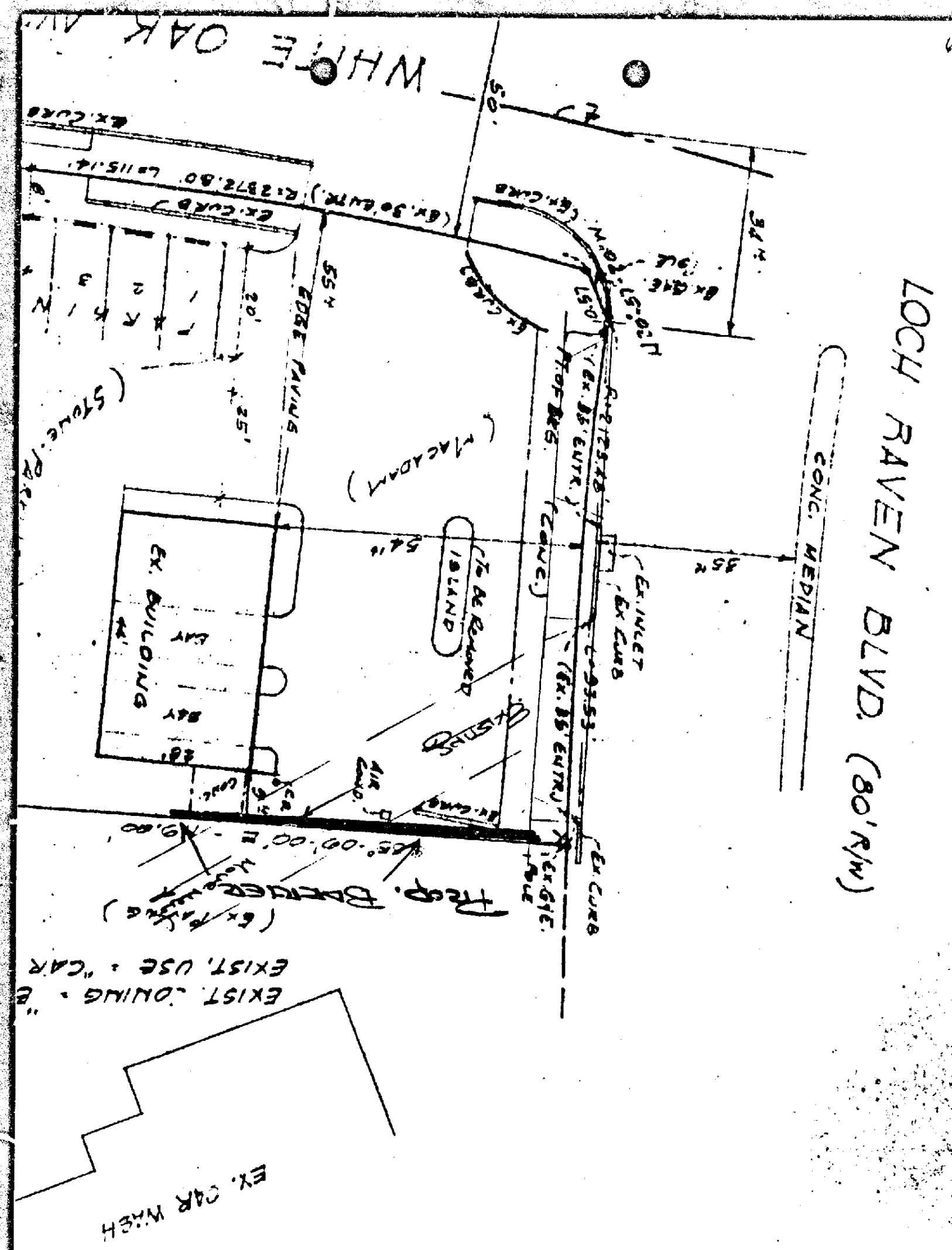
Charles E. Chief
Bureau of Engineering
Access Permits

By: George Wittman
(301) 659-1350

My telephone number is
Telephone for impaired hearing or speech
303-7555 Baltimore Metro - 555-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

CL:GW:maw

cc: Mr. J. Ogle



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-4321
NORMAN E. GERSON
DIRECTOR

DECEMBER 5, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Zoning Advisory Meeting of NOVEMBER 5, 1985
Item #158
Property Owner: WHIZ CAR WASH CORP.
Location: N/E CORNER LOCH RAVEN BLVD.
& WHITE OAK RD.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- () There are no site planning factors requiring comment.
- () A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- (X) This site is part of a larger tract therefore it is defined as a subdivision. The plan must show the entire tract.
- () A record plat will be required and must be recorded prior to issuance of a building permit.
- () The access to a building permit.
- () The circulation on this site is not satisfactory.
- () The parking arrangement is not satisfactory.
- () Parking calculations must be shown on the plan.
- () This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- () Construction in or alteration of the floodplain is prohibited under the provisions of section 22-30 of the Development Regulations.
- () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- () The amended Development Plan was approved by the Planning Board on 11/15/85.
- () The property is located in a deficient service area as defined by Bill 118-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued.
- () The property is located in a traffic area controlled by a "T" level intersection as defined by Bill 118-79, and as conditions change the re-evaluation may become more limited. The Traffic Services Areas are re-evaluated annually by the County Council.
- () Additional comments:

cc: James Hosenell

Eugene A. Sobor
Chief, Current Planning and Development

Zoning Item # 158, Zoning Advisory Committee Meeting of Nov. 6, 1985
Page 2

- () Prior to raising of existing structure/s, petitioner must contact the Division of Water Quality and Waste Management at 374-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Water Quality and Waste Management at 374-3768.
- () Soil percolation tests (have been/must be) conducted.
() The results are valid until
() Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well test
() shall be valid until
() is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
- () Others

San V. Pappas, Director
BUREAU OF ENVIRONMENTAL SERVICES

CS 20 1283 (2) R



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REINCKE
CHIEF

November 21, 1985

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Whiz Car Wash Corp.

Location: N/E corner Loch Raven Blvd. and White Oak Road

Item No.: 158

Zoning Agenda: Meeting of November 5, 1985

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.

- () 6. Site plans are approved, as drawn.

- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John F. O'Neill* Noted and Approved: *John F. O'Neill*
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

December 6, 1985

TED ZALESKI, JR.
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 158 Zoning Advisory Committee Meeting are as follows:

Property Owner: Whiz Car Wash Corporation
Location: N/E Corner Loch Raven Blvd. and White Oak Road
District: 9th.

APPLICABLE ITEMS ARE CHECKED:

- (X) All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.B.C. #17-7 - 1980) and other applicable Codes and Standards.
- () A building and other miscellaneous permits shall be required before the start of any construction.
- () Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is not required on plans and technical data.
- () Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.
- (X) All the Groups except 2-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. But the Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 101, Section 101.7, Section 102.0 and Table 102.0. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
- () The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 401 and 505 and have your Architect/Engineer contact this department.
- () The requested variance appears to conflict with Section (a) _____ of the Baltimore County Building Code.

NOTE:

- (X) When filing for a required change of use/occupancy permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of the Groups are from the _____ to the _____ or to Mixed Use. See Section 312 of the Building Code.

NOTE:

- (X) Comments: Upgrade existing structure to proposed new use requirements. Comply with the State Handicapped Code, comply with Section 609.2.5, 609.3, 609.4. Tanks shall be removed under a separate permit and approved by Fire Department.

Three abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 112 of the County Office Building at 111 N. Chesapeake Avenue, Towson, Maryland 21204.

12/15/85

Paul Leo P.E.

Paul Leo Engineering Inc.
301 W. Pennsylvania St.
Towson, Maryland 21204
301-821-5341
DESCRIPTION

0.296 ACRE PARCEL - N.E. CORNER LOCH RAVEN BOULEVARD
AND WHITE OAK AVENUE
9th ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point, said point being located on the east side of Loch Raven Boulevard 3/4 feet more or less from the center of White Oak Avenue; running thence on the east side of Loch Raven Boulevard (1) by a curve to the left R=2123.48 feet, L= 93.53 feet, chord = N 05°00'36" E - 93.51 feet, thence leaving said east side of Loch Raven Boulevard; (2) S 85°09'00" E - 119.00 feet, and (3) S 04°51'00" W - 113.56 feet to the north side of White Oak Avenue; thence binding on the north side of White Oak Avenue (4) by a curve to the right R=2372.80 feet, L=115.14 feet, chord= N 79°54'29" W - 115.12 feet, and (5) N 20°51'20" W - 10.57 feet to the point of beginning.



Engineer - Surveyor - Site Planner

PETITION FOR SPECIAL EXCEPTION
9TH Election District

LOCATION: Northeast corner of Loch Raven Boulevard and White Oak Avenue

DATE AND TIME: Friday, January 10, 1986 at 11:00 a.m.

PUBLIC HEARING: Room 301, County Office Building
111 West Chesapeake Avenue, Towson, MD 21204

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception to use the property for a service garage as defined and interpreted in the Zoning Law and Zoning Regulations.

Being the property of Whiz Car Wash Corporation
as shown on the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
NE Corner Loch Raven Blvd. &
White Oak Ave., 9th District : OF BALTIMORE COUNTY
WHIZ CAR WASH CORPORATION, : Case No. 86-270-X
Petitioner

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 16th day of December, 1985, a copy of the foregoing Entry of Appearance was mailed to R. Bruce Alderman, Esquire, 29 W. Susquehanna Ave., Towson, MD 21204, Attorney for Petitioner; and Marc Witman, Vice-President, The Pit Stop, Inc., 120 Cockeysville Rd., Hunt Valley, MD 21030, Contract Lessee.

Peter Max Zimmerman
Peter Max Zimmerman



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3333

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

January 2, 1986

R. Bruce Alderman, Esquire
29 West Susquehanna Avenue
Towson, Maryland 21204

Re: Petition for Special Exception
NE/Corner of Loch Raven Boulevard and
White Oak Avenue - 9th Election District
Whiz Car Wash Corp. - Petitioner
Case No. 86-270-X

Dear Mr. Alderman:

This is to advise you that \$68.00 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON IT BE ISSUED.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

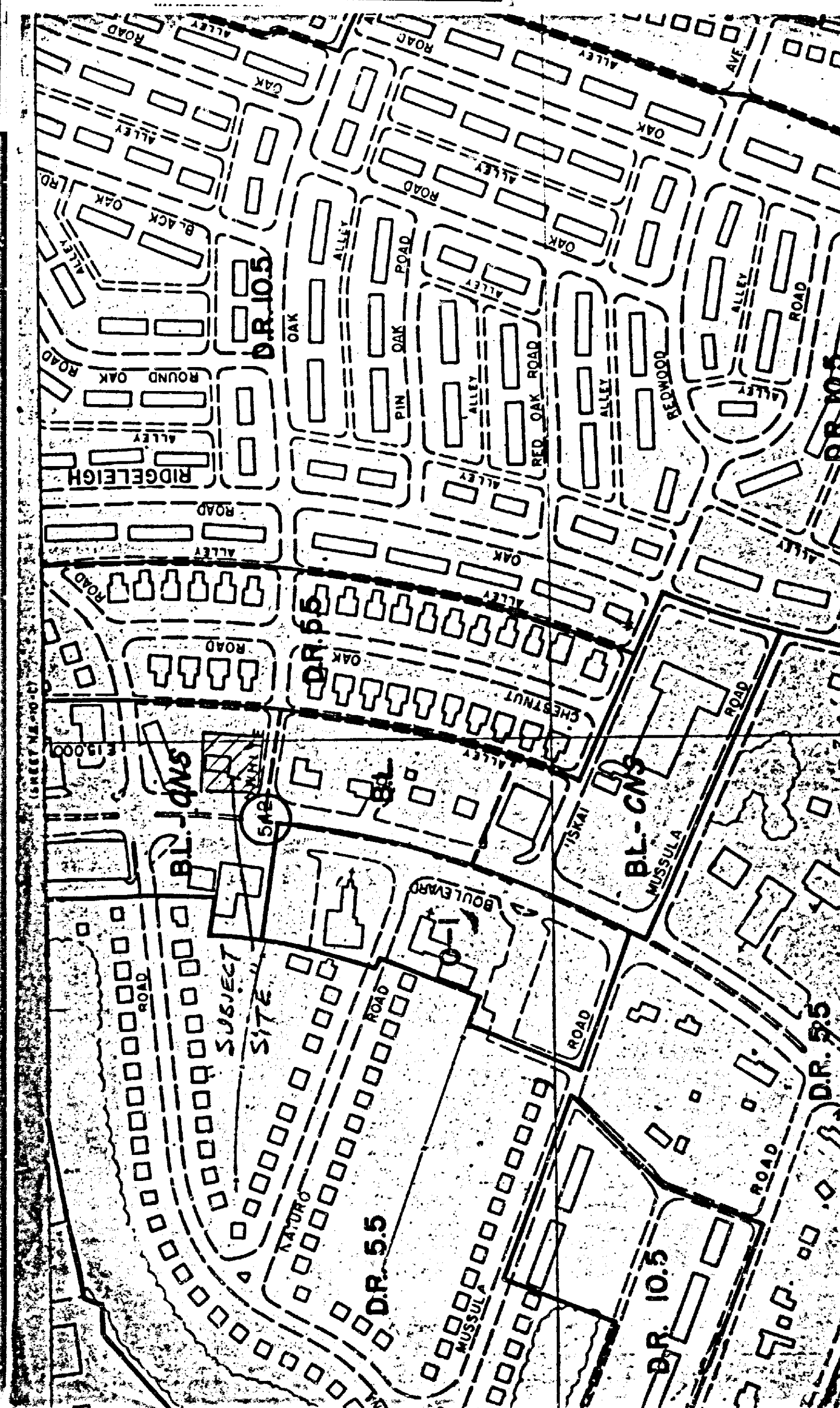
No. 013472

DATE 1-4-86 ACCOUNT R-01-615-000 Towson County, Maryland, and remit to Baltimore County, Maryland

AMOUNT \$ 68.00

RECEIVED FROM R. Bruce Alderman, Esq.

FOR Advertising Posting \$6.340-X



CERTIFICATE OF PUBLICATION

TOWSON, MD., December 19, 1985

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on December 19, 1985

THE JEFFERSONIAN,

W. Ventak
Publisher

Cost of Advertising
24.75

CERTIFICATE OF PUBLICATION

TOWSON, MD., December 18, 1985.

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on December 18, 1985.

TOWSON TIMES,

W. Ventak
Publisher

38.25

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 9th Date of Posting 12/13/85

Posted for Special Exception

Petitioner: Whiz Car Wash Corp.

Location of property: NE/Corner, Loch Raven Blvd. & White Oak Rd.

Location of Sign: Four signs, 10' x 14' each, at NE/Corner of Loch Raven & White Oak, facing N.E. on roadway on property of Petitioner

Remarks:

Posted by M. Ventak Date of return: 12/20/85

Number of Signs: 4

R. Bruce Alderman, Esquire
29 West Susquehanna Avenue
Towson, Maryland 21204

December 6, 1985

NOTICE OF HEARING

PETITION FOR SPECIAL EXCEPTION
NE/Corner of Loch Raven Boulevard and
White Oak Avenue - 9th Elec. District
Whiz Car Wash Corp. - Petitioner
Case No. 86-270-X

TIME: 11:00 a.m.

DATE: Friday, January 10, 1986

PLACE: Room 301, County Office Building, 111 W. Chesapeake Ave.,
Towson, Maryland 21204

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 012787

Commissioner
Baltimore County

DATE 12-24-85 ACCOUNT R-01-615-000

AMOUNT \$ 107.00

RECEIVED FROM R. Bruce Alderman, Esq.

FOR Printing for R. Bruce Alderman, Esq.

0043*****1000022 2243F

VALIDATION OR SIGNATURE OF CARRIER

Postcards
E.L. Kaiser & Co. Inc. } 8515 Loch Raven Blvd
D.C. Williams

Archie R. Rappaport } 8509 Loch Raven
Charles R. Rappaport

C. H. H. H. H. H. H. } 8509, 8511, 8513
Charles R. Rappaport } 8515 Loch Raven
Rappaport

JEAN DIETRICH
MUTUAL OF NEW YORK 8517 LOCH RAVEN RD.

William R. Johnson
Johnson & Johnson Bank
8521 Loch Raven Blvd.

Anthony S. Campagna
Tony S. Campagna
8663 Loch Raven Blvd 21204

Richard S. Cyle
1600 W. 7th Ave 21234
Insurance Investigator

M. M. M. M. M. M. } 8500 White Oak Ave 21234
Real Estate Plus
8500 Chestnut Oak Rd. 21234
Property Owner

Post 41

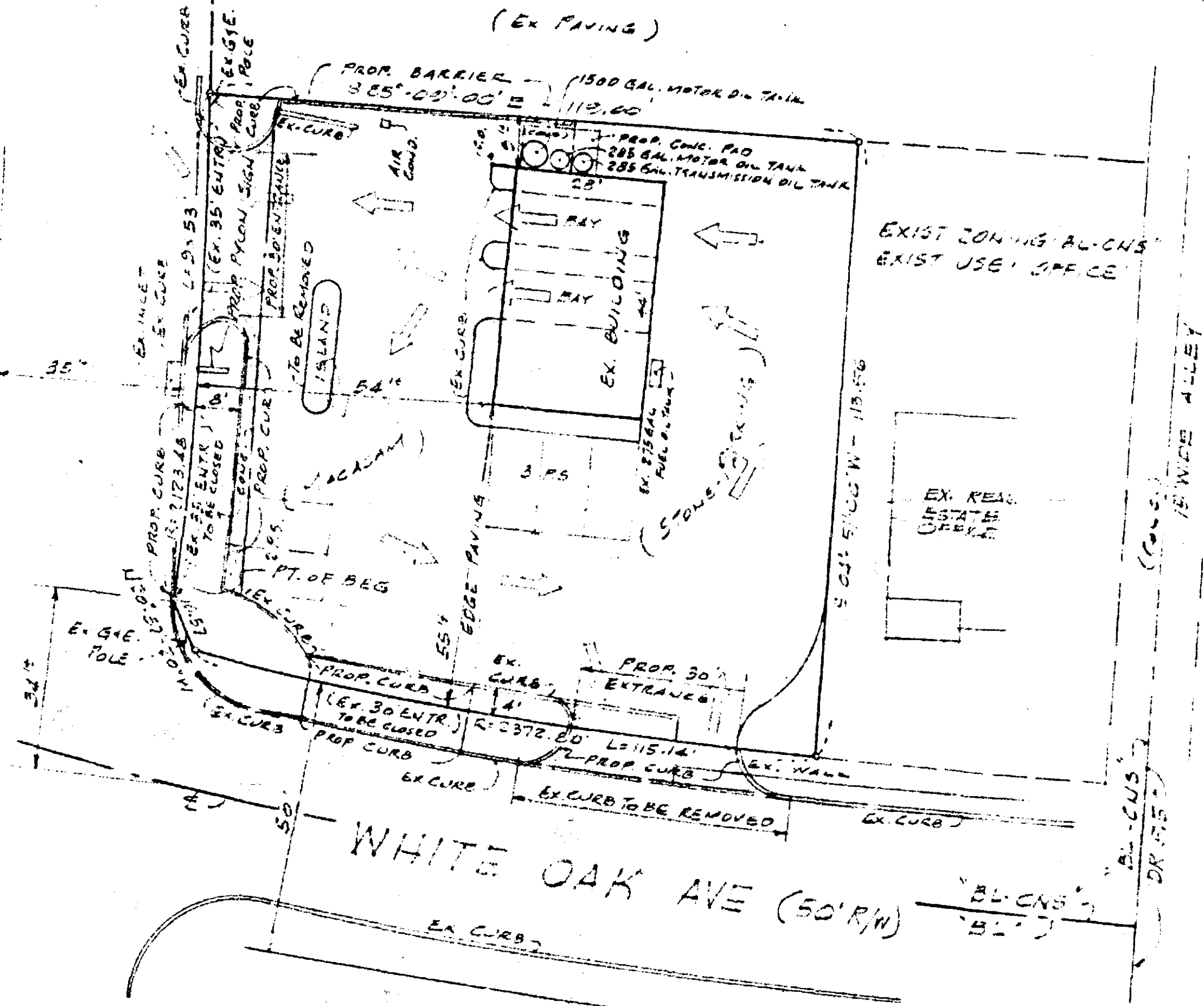
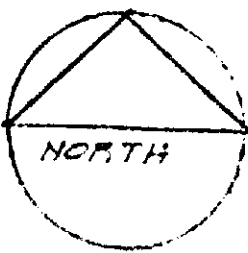
EXIST. ZONING - "BL-CNS"
EXIST. USE - "RETAIL STORES"

LOCH RAVEN BLVD. (80' R/W)

CONC. MEDIAN

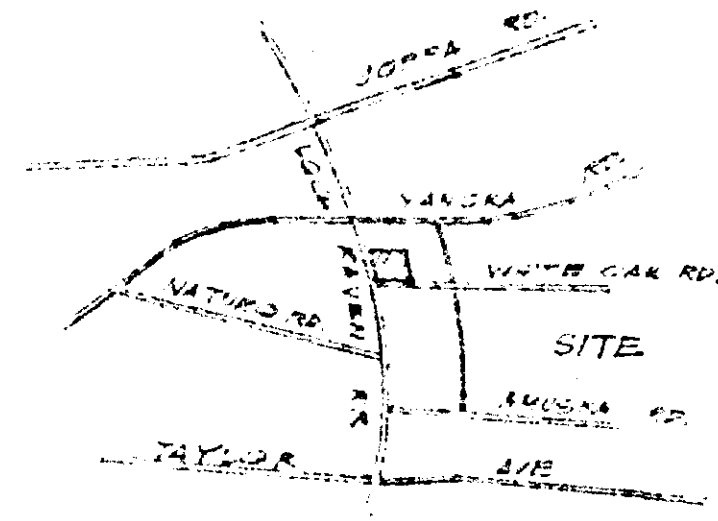
EX. CAR WASH

EXIST. ZONING - "BL-CNS"
EXIST. USE - "CAR WASH"
(EX. PAVING)



WHITE OAK AVE (50' R/W)

EXIST. ZONING - "B-L"
EXIST. USE - "FUNERAL HOME"



VICINITY MAP
NOT TO SCALE

GENERAL NOTES

1. AREA OF SITE = 0.236 AC.
2. EXISTING ZONING OF SITE = BL-CNS
3. EXISTING USE = VACANT GAS STATION
4. PROPOSED ZONING OF SITE = BL-CNS w/ SPECIAL EXCEPTION
5. PROPOSED USE = SERVICE GARAGE
6. REQ'D. PARKING:
1232 SF / 300 = 4.1 = 5 PS
7. PROPOSED PARKING SHOWN: 5-2 BAYS = 7 PS
8. PETITIONER REQUESTING SPECIAL EXCEPTION TO PERMIT A SERVICE GARAGE IN A BL-CNS ZONE
9. EXISTING UTILITIES AVAILABLE TO SITE.
10. PROP. PYLON SIGN TO BE IN ACCORDANCE WITH BALTIMORE COUNTY ZONING REGULATIONS

PLAT TO ACCOMPANY PETITION
FOR
SPECIAL EXCEPTION

0.236 ACRE PARCEL

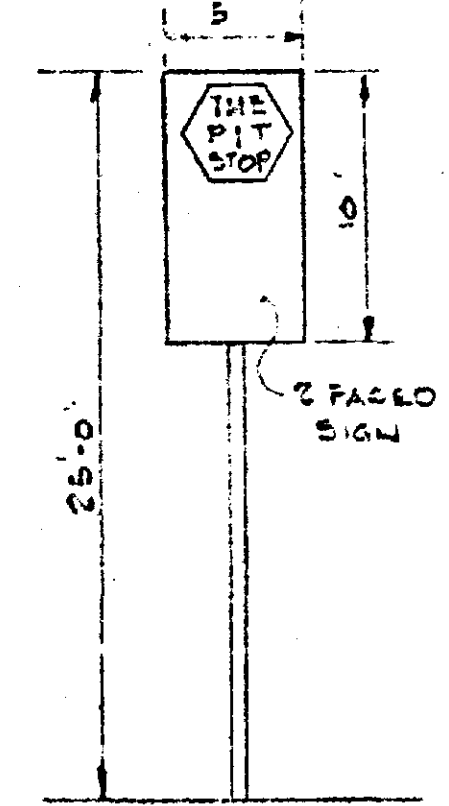
(N.E. COR. LOCH RAVEN BLVD. & WHITE OAK AVE.)

9TH ELECTION DISTRICT BALTO. CO. MD.

SCALE: 1"=20'

DEC. 18, 1985
REV. DEC. 30, 1985 SHR. COMMENTS
REV. JAN. 7, 1986 ADDED STORAGE TANKS

PAUL LEE ENGINEERING, INC.
304 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

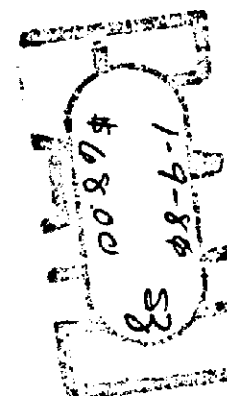


PROPOSED SIGN
NO SCALE



MAP 1/2
E.D. 9
DATE 1-23-87
200
1000
DP

86-270-X
#158



86-270-X
#158

Whiz Car Wash Corp.
NE/COR of Loch Raven
Avenue
Hunt Valley, Md. 21030
86-270-X
#158

ORDER RECEIVED FOR FILING
DATE 1-23-87
BY [Signature]

IN RE: PETITION SPECIAL EXCEPTION *
NE/COR of Loch Raven *
Boulevard and White Oak *
Avenue -9th Election District *
Whiz Car Wash Corporation, *
Petitioner *
BEFORE THE *
ZONING COMMISSIONER *
OF BALTIMORE COUNTY *
Case No. 86-270-X

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception for a service garage, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by the Contract Lessee, The Pit Stop, Inc., by Ronald A. Witman, President, appeared and testified and was represented by Counsel. Testifying on behalf of the Petitioner was Paul Lee, a registered engineer. Numerous Protestants appeared and were represented by Counsel. See Protestants' Exhibit 1.

Testimony indicated that the subject property, zoned B.L. and located on the corner of Loch Raven Boulevard and White Oak Avenue, is presently improved with an abandoned service station. The Lessee proposes to restore the two-bay service station building and parking areas and create a drive-thru oil change facility for vehicles to provide "10 minute" oil changes. Vehicles would drive in, have their oil changed, and exit. The total time for one vehicle to be serviced, including paperwork and payment, would be approximately 20 minutes. Based on the Lessee's experience at its three locations in Baltimore City, the expected average weekly business generated would be 30 to 35 vehicles with a maximum of 40 vehicles. The oil change would be the only service provided.

The site would permit the stacking of up to ten vehicles in addition to the five vehicles permitted to be parked; however, Mr. Witman testified that,

based on his experience, no more than four vehicles would ever be stacked outside the bays at any one time. As he explained, the service provided is self-limiting, i.e., people will not wait any length of time for this type of service.

Mr. Lee testified that, in his opinion, the conditions precedent as delineated in Section 502.1, Baltimore County Zoning Regulations (BCZR), would be met. He also pointed out that many of the uses permitted as a matter of right in a B.L. Zone, such as a convenience store, would generate more vehicles per day than the proposed use.

William Johnson, owner of the Johnson Funeral Home located across White Oak Avenue to the south, testified in opposition and voiced the concerns of those Protestants who appeared. In particular, they are concerned that the horrendous traffic conditions that already exist will be worsened and that the horrible situation with the adjoining car wash to the north, which is owned by the Petitioner herein, will be exacerbated. Additionally, Anita Dowling, an owner of a real estate company adjoining the instant site to the east, testified that, in her expert opinion, the proposed use would cause property values to decrease.

The latter point is somewhat diluted when one measures the proposed service garage described herein with a service station which has been abandoned for a long time.

The Petitioner seeks relief from Section 230.13, pursuant to Section 502.1, BCZR.

There is no question that the traffic pattern of this area is heightened by its close proximity to Joppa Road and the strip retail uses located on Loch Raven Boulevard. However, it is obvious that the only way to obviate the

- 2 -

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for USE AS A SERVICE GARAGE AS DEFINED AND INTERPRETED IN THE ZONING LAW AND ZONING REGULATIONS.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and so to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Lessee: The Pit Stop, Inc. (Type or Print Name)
By: [Signature] Marc Witman, Vice President
120 Cockeysville Road
Hunt Valley, Maryland 21030
City and State

Legal Owner(s): Whiz Car Wash Corp. (Type or Print Name)
By: [Signature] Ronald W. Witman
120 Cockeysville Road
Hunt Valley, Md. 21030
City and State

Attorney for Petitioner: R. Bruce Alderman (Type or Print Name)
[Signature]
29 West Susquehanna Avenue
Towson, Maryland 21204
City and State
Attorney's Telephone No.: 301-828-1050

Name, address and phone number of legal owner, contract purchaser or representative to be contacted: Ronald W. Witman
120 Cockeysville Road
Hunt Valley, Md. 21030
City and State
Phone No. 410-210-4200

ORDERED BY The Zoning Commissioner of Baltimore County, this 26th day of November, 1985, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 10th day of January, 1986, at 11:00 o'clock A.M.

[Signature] Bell Jahn
Zoning Commissioner of Baltimore County.

ORDER RECEIVED FOR FILING
DATE 1-23-87
BY [Signature]

ORDER RECEIVED FOR FILING
DATE 1-23-87
BY [Signature]

Pursuant to the advertisement, posting of property, and public hearing held, and it appearing that by reason of the requirements of Section 502.1 having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 22nd day of January, 1986, that the Petition for Special Exception for a service garage be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief granted herein.

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. All underground gasoline tanks shall be filled or removed pursuant to the applicable Fire Department regulations.
3. No barrels of any kind shall be permitted on the site.
4. No board fencing shall be permitted.
5. A landscaping plan shall be submitted to the Current Planning and Development Division, Office of Planning and Zoning, for approval.
6. No damaged or disabled vehicles shall be stored on the site.
7. No vehicles shall be permitted to be stored overnight on the site unless kept in the bays.
8. No vehicle parts shall be stored outside of the building.

[Signature]
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
DATE 1-23-87
BY [Signature]

problems which concern the Protestants is to prevent the use of this site for anything and to eliminate all other commercial uses. The proposed use is one which will not make things worse.

It is clear that the BCZR permits the use requested by the Petitioner in a B.L. Zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as delineated in Section 502.1 are satisfied by the Petitioner.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions, as more fully described below.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the BCZR.

- 3 -

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner
Date: December 12, 1985
Norman E. Gerber, AICP, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petition No. 86-270-X

This office is not opposed to the granting of the subject request provided the site plan is revised to conform to the revisions proposed by the Department of Traffic Engineering's representative to the Zoning Plans Advisory Committee (see comment and sketch dated November 18, 1985).

[Signature] Norman E. Gerber
Director

NEG:JCH:slm

APR 20 1987



Maryland Department of Transportation
State Highway Administration

William K. Hollmann
Secretary
Hal Karsell
Administrator

November 8, 1985

Mr. A. Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: ZAC Meeting of 11-5-85
ITEM: #158
Property Owner: Whiz Car Wash Corp.
Location: N/E Corner Loch Raven Blvd.
Route 542, & White Oak Road
Existing Zoning: R-1
Proposed Zoning: Special Exception
for use as a service garage as
defined and interpreted in the
Zoning Law and Zoning Regulations
Acres: .296 Acres
District: 9th Election District

Attn: Mr. James Dyer

Dear Mr. Jablon:

On review of the submittal of 10-16-85 and field inspection, the State Highway Administration will require the site plan to be revised.

The revised plan must show the construction of a permanent barrier along the north property line of the proposed service garage (see attachment).

On the day of inspection, field conditions revealed an ingress through movement from Loch Raven Blvd. (Route 542) to the existing Car Wash site.

This movement will create a hazardous condition if allowed to continue with approval of the service garage.

The proposed permanent barrier may consist of concrete curb or fence or suitable permanent construction.

We request the site plan be revised prior to a hearing date being set.

Very truly yours,

Charles E. Chief
Bureau of Engineering
Access Permits

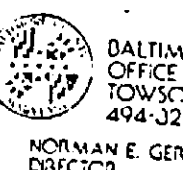
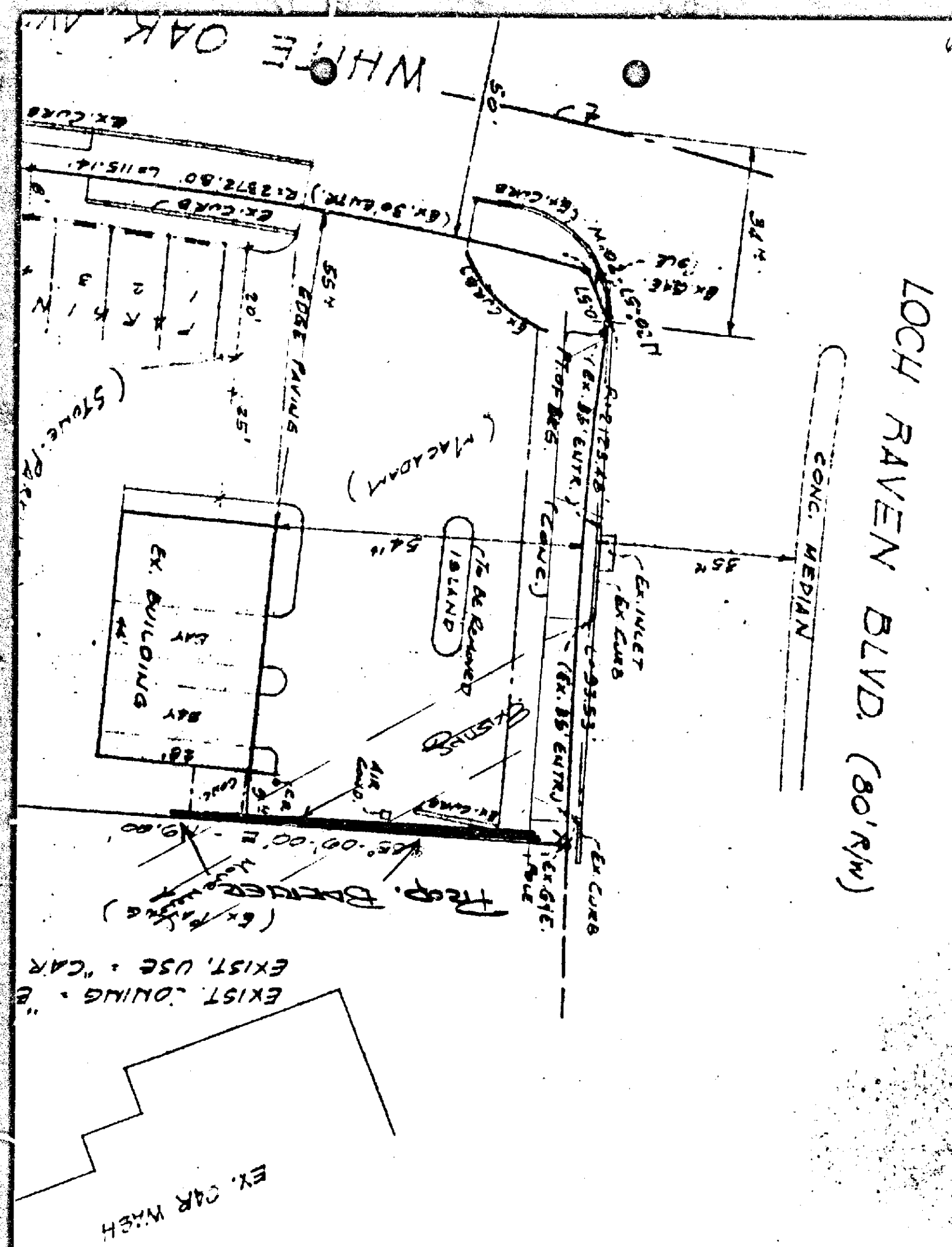
By: George Wittman

(201) 659-1350

Telephone for Impaired Hearing or Speech
303-7555 Baltimore Metro - 555-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

CL:GW:maw

cc: Mr. J. Ogle



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-4300
NORMAN E. GERSON
DIRECTOR

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

DECEMBER 5, 1985

Re: Zoning Advisory Meeting of NOVEMBER 5, 1985
Item #158
Property Owner: WHIZ CAR WASH CORP.
Location: N/E CORNER LOCH RAVEN BLVD.
& WHITE OAK RD.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- () There are no site planning factors requiring comment.
- () A County Review Group meeting is required.
- () This site is part of a larger tract therefore it is defined as a subdivision. The plan must show the entire tract.
- () A record plat will be required and must be recorded prior to issuance of a building permit.
- () The access to a building permit.
- () The circulation on this site is not satisfactory.
- () The parking arrangement is not satisfactory.
- () Parking calculations must be shown on the plan.
- () This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- () Construction in or alteration of the floodplain is prohibited under the provisions of section 22-38 of the Development Regulations.
- () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- () The amended Development Plan was approved by the Planning Board on 11/18/85.
- () The property is located in a deficient service area as defined by Bill 118-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued.
- () The property is located in a traffic area controlled by a "T" level intersection as defined by Bill 118-79, and as conditions change the re-evaluation may become more limited. The Traffic Services Areas are re-evaluated annually by the County Council.
- () Additional comments:

cc: James Hosenell

Eugene A. Sobor
Chief, Current Planning and Development

Zoning Item # 158, Zoning Advisory Committee Meeting of Nov. 6, 1985
Page 2

- () Prior to raising of existing structure/s, petitioner must contact the Division of Water Quality and Waste Management at 374-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Water Quality and Waste Management at 374-3768.
- () Soil percolation tests (have been/must be) conducted.
() The results are valid until _____
() Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well test shall be valid until _____
() is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydro-geological Study and an Environmental Effects Report must be submitted.
- () Others _____

San V. Pappas, Director
BUREAU OF ENVIRONMENTAL SERVICES

CS 20 1283 (2) R



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500
PAUL H. REINCKE
CHIEF

November 21, 1985

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Whiz Car Wash Corp.

Location: N/E corner Loch Raven Blvd. and White Oak Road

Item No.: 158

Zoning Agenda: Meeting of November 5, 1985

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John F. O'Neill* Noted and Approved: *John F. O'Neill*
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610
TED ZALESKI, JR.
DIRECTOR

December 6, 1985

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 158 Zoning Advisory Committee Meeting are as follows:

Property Owner: Whiz Car Wash Corporation
Location: N/E Corner Loch Raven Blvd. and White Oak Road
District: 9th.

APPLICABLE ITEMS ARE CHECKED:

- () All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.B.C. #17-7 - 1980) and other applicable Codes and Standards.
- () A building and other miscellaneous permits shall be required before the start of any construction.
- () Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer w/in and required on plans and technical data.
- () Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.
- () All the Groups except 2-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. But the Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 101, Section 1071, Section 1101 and Table 1102. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
- () The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 401 and 505 and have your Architect/Engineer contact this department.
- () The requested variance appears to conflict with Section (a) _____ of the Baltimore County Building Code.

NOTE:

- () When filing for a required change of use/occupancy permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of the Groups are from the _____ to the _____ or to Mixed Use. See Section 312 of the Building Code.

NOTE:

- () The proposed project appears to be located in a Flood Plain, Flood/Evermore. Please see the attached copy of Section 514.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the 1st and the finished basement.
- () Comments: Upgrade existing structure to proposed new use requirements. Comply with the State Handicapped Code, comply with Section 609.2.5, 609.3, 609.4. Tanks shall be removed under a separate permit and approved by Fire Department.

12/15/85

Charles E. Sobor
Building Plans Review

Paul Leo P.E.

Paul Leo Engineering Inc.
301 W. Pennsylvania St.
Towson, Maryland 21204
301-821-5341
DESCRIPTION

0.296 ACRE PARCEL - N.E. CORNER LOCH RAVEN BOULEVARD

AND WHITE OAK AVENUE

9th ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point, said point being located on the east side of Loch Raven Boulevard 3/4 feet more or less from the center of White Oak Avenue; running thence on the east side of Loch Raven Boulevard (1) by a curve to the left R=2123.48 feet, L= 93.53 feet, chord = N 05°00'36" E - 93.51 feet, thence leaving said east side of Loch Raven Boulevard; (2) S 85°09'00" E - 119.00 feet, and (3) S 04°51'00" W - 113.56 feet to the north side of White Oak Avenue; thence binding on the north side of White Oak Avenue (4) by a curve to the right R=2372.80 feet, L=115.14 feet, chord= N 79°54'29" W - 115.12 feet, and (5) N 20°51'20" W - 10.57 feet to the point of beginning.



Engineers - Surveyors - Site Planners

PETITION FOR SPECIAL EXCEPTION
9TH Election District

LOCATION: Northeast corner of Loch Raven Boulevard and White Oak Avenue

DATE AND TIME: Friday, January 10, 1986 at 11:00 a.m.

PUBLIC HEARING: Room 301, County Office Building
111 West Chesapeake Avenue, Towson, MD 21204

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception to use the property for a service garage as defined and interpreted in the Zoning Law and Zoning Regulations.

Being the property of Whiz Car Wash Corporation
as shown on the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
NE Corner Loch Raven Blvd. &
White Oak Ave., 9th District : OF BALTIMORE COUNTY
WHIZ CAR WASH CORPORATION, : Case No. 86-270-X
Petitioner

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 16th day of December, 1985, a copy of the foregoing Entry of Appearance was mailed to R. Bruce Alderman, Esquire, 29 W. Susquehanna Ave., Towson, MD 21204, Attorney for Petitioner; and Marc Witman, Vice-President, The Pit Stop, Inc., 120 Cockeysville Rd., Hunt Valley, MD 21030, Contract Lessee.

Peter Max Zimmerman
Peter Max Zimmerman



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3333

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

January 2, 1986

R. Bruce Alderman, Esquire
29 West Susquehanna Avenue
Towson, Maryland 21204

Re: Petition for Special Exception
NE/Corner of Loch Raven Boulevard and
White Oak Avenue - 9th Election District
Whiz Car Wash Corp. - Petitioner
Case No. 86-270-X

Dear Mr. Alderman:

This is to advise you that \$68.00 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON IT BE ISSUED.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

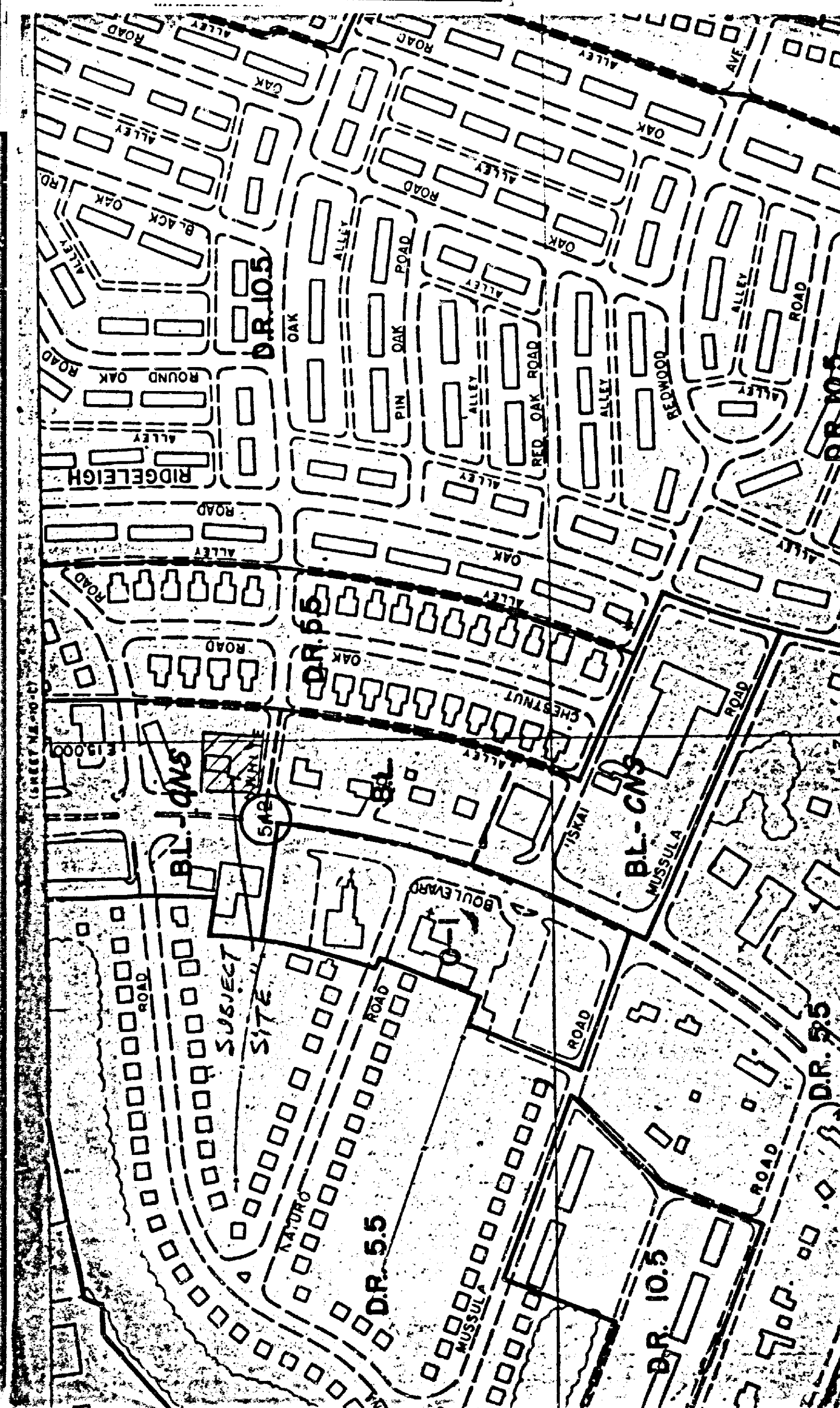
No. 013472

DATE 1-4-86 ACCOUNT 201-615-000 Towson County, Maryland, and remit to the County, Maryland, and remit to the County, Maryland

AMOUNT \$ 68.00

RECEIVED FROM R. Bruce Alderman Esq.

FOR Advertising Posting 86-270-X



CERTIFICATE OF PUBLICATION

TOWSON, MD., December 18, 1985

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on December 19, 1985

THE JEFFERSONIAN,

W. Ventak

Publisher

Cost of Advertising
24.75

CERTIFICATE OF PUBLICATION

TOWSON, MD., December 18, 1985

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on December 18, 1985.

TOWSON TIMES,

W. Ventak

Publisher

38.25

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 9th Date of Posting 12/13/85

Posted for: Special Exception

Petitioner: Whiz Car Wash Corp.

Location of property: NE/Corner, Loch Raven Blvd. & White Oak Rd.

Location of Sign: Four signs, Intersection of Loch Raven & White Oak, Names: 12' x 12' x 24' x 24' on property of Petitioner

Remarks:

Posted by: W. Ventak

Date of return: 12/20/85

Number of Signs: 4

R. Bruce Alderman, Esquire
29 West Susquehanna Avenue
Towson, Maryland 21204

December 6, 1985

NOTICE OF HEARING

PETITION FOR SPECIAL EXCEPTION
NE/Corner of Loch Raven Boulevard and
White Oak Avenue - 9th Elec. District
Whiz Car Wash Corp. - Petitioner
Case No. 86-270-X

TIME: 11:00 a.m.

DATE: Friday, January 10, 1986

PLACE: Room 301, County Office Building, 111 W. Chesapeake Ave.,
Towson, Maryland 21204

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 012787

Commissioner
Baltimore County

DATE 12-24-85 ACCOUNT 12-21-615-000

AMOUNT \$ 107.00

RECEIVED FROM Chas. H. Hill

FOR Posting for 12/24/85

0043*****1000022 2243F

VALIDATION OR SIGNATURE OF CARRIER

Postcards
E. L. Kaiser Koch co. inc. } 8515 Loch Raven Blvd
D. C. Williams

Archie Ross Capital Inc } 8509 Loch Raven
Charles F. Lopez

Cdc Holding Corp } 8509, 8511, 8513
Charles F. Lopez } 8515 Loch Raven
Handwritten

JEAN DIETRICH
MUTUAL OF NEW YORK 8517 LOCH RAVEN RD.

William R. Johnson
Johnson Chesapeake Bank
8521 Loch Raven Blvd.

Anthony S. Campagna
Tony S. Campagna
8663 Loch Raven Blvd 21204

Richard S. Cyle
1600 W. 7th Ave 21234
Insurance Investigator

M. Anita D. Duff
1600 White Oak Ave 21234
Real Estate Plus
8508 Chestnut Oak Rd. 21234
Property Owner

Post 4/1

